- 2 **SB 5566** S AMD
- 3 By Senators Rasmussen and Nelson
- 4 ADOPTED 3/19/91 Voice Vote
- 5 Strike everything after the enacting clause and insert the
- 6 following:
- 7 "Sec. 1. RCW 4.24.115 and 1986 c 305 s 601 are each amended to
- 8 read as follows:
- 9 A covenant, promise, agreement or understanding in, or in
- 10 connection with or collateral to, a contract or agreement relative to
- 11 the construction, alteration, repair, addition to, subtraction from,
- 12 improvement to, or maintenance of, any building, highway, road,
- 13 railroad, excavation, or other structure, project, development, or
- 14 improvement attached to real estate, including moving and demolition in
- 15 connection therewith, purporting to indemnify against liability for
- 16 damages arising out of bodily injury to persons or damage to property:
- 17 (1) Caused by or resulting from the sole negligence of the
- 18 indemnitee, his agents or employees is against public policy and is
- 19 void and unenforceable;
- 20 (2) Caused by or resulting from the concurrent negligence of (a)
- 21 the indemnitee or the indemnitee's agents or employees, and (b) the
- 22 indemnitor or the indemnitor's agents or employees, is valid and
- 23 enforceable only to the extent of the indemnitor's negligence and only
- 24 if the agreement specifically and expressly provides therefor, and may
- 25 waive the indemnitor's immunity under industrial insurance, Title 51
- 26 RCW, only if the agreement specifically and expressly provides therefor
- 27 and the waiver was mutually negotiated by the parties. This subsection
- 28 applies to agreements entered into after June 11, 1986.

- An additional or named insured endorsement on a liability insurance 1 2 policy covering liability for damages arising out of bodily injury to persons or damage to property, procured by a general contractor, 3 subcontractor, or specialty contractor, is valid and enforceable only 4 5 to the extent of the injury or damage (a) which arose in whole or in 6 part out of the fault of the procuring general contractor, subcontractor, or specialty contractor, or its agents or employees, or 7 its sub-subcontractors or its suppliers or (b) if fault is not a 8 requirement for liability, to the extent of the injury or damage caused 9 10 in whole or in part by the procuring general contractor, subcontractor, or specialty contractor, or its agents or employees or its sub-11 subcontractors, or its suppliers. Nothing contained herein shall 12 prohibit an owner from procuring insurance which covers liability for 13 14 damage arising out of bodily injury to persons or damage to property for a general contractor, subcontractor, specialty contractor, or other 15 16 person or entity."
- 17 **SB 5566** S AMD
- 18 By Senators Rasmussen and Nelson
- 19 ADOPTED 3/19/91 Voice Vote
- On page 1, line 1 of the title, after "contracts;" strike the
- 21 remainder of the title and insert "and amending RCW 4.24.115."