

House Bill 943 (AM)

By: Representatives Rogers of the 29<sup>th</sup>, Pak of the 108<sup>th</sup>, and Wilkinson of the 52<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal  
2 and void contracts generally, so as to change provisions relating to contracts which  
3 contravene public policy; to provide for related matters; to repeal conflicting laws; and for  
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal and void  
8 contracts generally, is amended by revising Code Section 13-8-2, relating to contracts  
9 contravening public policy generally, as follows:

10 "13-8-2.

11 (a) A contract that is against the policy of the law cannot be enforced. Contracts deemed  
12 contrary to public policy include but are not limited to:

- 13 (1) Contracts tending to corrupt legislation or the judiciary;
- 14 (2) Contracts in general restraint of trade, as distinguished from contracts which restrict
- 15 certain competitive activities, as provided in Article 4 of this chapter;
- 16 (3) Contracts to evade or oppose the revenue laws of another country;
- 17 (4) Wagering contracts; or
- 18 (5) Contracts of maintenance or champerty.

19 (b) A covenant, promise, agreement, or understanding in or in connection with or collateral  
20 to a contract or agreement relative to the construction, alteration, repair, design,  
21 engineering, or maintenance of a building structure, road, bridge or other infrastructure,  
22 appurtenances, and appliances, including moving, demolition, and excavating connected  
23 therewith, purporting to require that one party to such contract or agreement shall  
24 indemnify, hold harmless, insure, or defend the other party to the contract or other named  
25 indemnitee, including its, his, or her officers, agents, or employees, against liability or  
26 claims for damages, losses, or expenses, including attorney fees, arising out of bodily

27 injury to persons, death, or damage to property caused by or resulting from the ~~sole~~  
28 negligence, recklessness, or intentionally wrongful conduct of the indemnitee, or its, his,  
29 or her officers, agents, or employees, or any third party is against public policy and void  
30 and unenforceable. This subsection shall not affect any obligation under workers'  
31 compensation or coverage or insurance specifically relating to workers' compensation, nor  
32 shall this subsection apply to any requirement that one party to the contract purchase a  
33 project specific insurance policy, including an owner's or contractor's protective insurance,  
34 builder's risk insurance, installation coverage, project management protective liability  
35 insurance, an owner controlled insurance policy, or a contractor controlled insurance  
36 policy."

37 **SECTION 2.**

38 All laws and parts of laws in conflict with this Act are repealed.