

SENATE BILL No. 304

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-16-15.

Synopsis: Indemnity agreements in public works contracts. Provides that a statute that invalidates indemnity agreements in construction contracts relating to providing certain professional services is applicable to such contracts relating to public works projects.

Effective: July 1, 2021.

Messmer

January 14, 2021, read first time and referred to Committee on Judiciary.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 304

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-16-15 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2021]:
- 4 **Chapter 15. Application of Certain Statutes to Public Works**
- 5 **Contracts**
- 6 **Sec. 1. As used in this chapter, "applicable public works statute"**
- 7 **refers to whichever of the following statutes is applicable to the**
- 8 **public works project of a public agency:**
- 9 (1) IC 4-13.6.
- 10 (2) This article.
- 11 (3) IC 5-23-4 (build, operate, transfer, and public-private
- 12 agreements).
- 13 (4) IC 5-30 (design-build).
- 14 (5) IC 5-32 (employment of construction manager as
- 15 constructor).
- 16 (6) IC 36-1-12.
- 17 (7) Any other statute applicable to the public works projects



- 1 of the public agency.
- 2 **Sec. 2. As used in this chapter, "contract" refers to a contract**
- 3 **for professional services of any of the following for a public works**
- 4 **project:**
- 5 (1) A design professional.
- 6 (2) An architect.
- 7 (3) An engineer.
- 8 (4) An environmental consultant.
- 9 (5) A geologist.
- 10 (6) A geotechnical consultant.
- 11 (7) A landscape architect.
- 12 (8) A surveyor.
- 13 **Sec. 3. As used in this chapter, "public agency" has the meaning**
- 14 **set forth in IC 5-30-1-11.**
- 15 **Sec. 4. As used in this chapter, "public works project" refers to**
- 16 **a construction project governed by an applicable public works**
- 17 **statute.**
- 18 **Sec. 5. IC 26-2-5-4 applies to a contract.**

