

**SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION**

**S.F. No. 3850**

(SENATE AUTHORS: JOHNSON)

DATE  
03/09/2022

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Introduction and first reading  
Referred to Civil Law and Data Practices Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to civil law; clarifying indemnity application when insurance coverage  
1.3 exists; amending Minnesota Statutes 2020, section 604.21.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2020, section 604.21, is amended to read:

1.6 **604.21 INDEMNITY AGREEMENTS IN DESIGN PROFESSIONAL SERVICES**  
1.7 **CONTRACTS VOID.**

1.8 (a) A provision contained in, or executed in connection with, a design professional  
1.9 services contract is void and unenforceable to the extent it attempts to require an indemnitor  
1.10 to indemnify, to hold harmless, or to defend an indemnitee from or against liability for loss  
1.11 or damage resulting from the negligence or fault of anyone other than the indemnitor or  
1.12 others for whom the indemnitor is legally liable.

1.13 (b) For purposes of this section, "design professional services contract" means a contract  
1.14 under which some portion of the work or services is to be performed or supervised by a  
1.15 person licensed under section 326.02, and is furnished in connection with any actual or  
1.16 proposed maintenance of or improvement to real property, highways, roads, or bridges.

1.17 (c) This section does not apply to the extent that the obligation to indemnify, to hold  
1.18 harmless, or to defend an indemnitee is ~~able to be~~ covered by insurance.

1.19 (d) This section does not apply to agreements referred to in section 337.03 or 337.04.

1.20 (e) A provision contained in, or executed in connection with, a design professional  
1.21 services contract for any actual or proposed maintenance of, or improvement to, real property,  
1.22 highways, roads, or bridges located in Minnesota that makes the contract subject to the laws

- 2.1 of another state or requires that any litigation, arbitration, or other dispute resolution process
- 2.2 on the contract occur in another state is void and unenforceable.
- 2.3 (f) This section supersedes any other inconsistent provision of law.
- 2.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.