

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 597
HOUSE BILL 846

AN ACT TO DECLARE VOID AND UNENFORCEABLE AS AGAINST PUBLIC POLICY
AGREEMENTS TO HOLD A PROMISEE IN A CONSTRUCTION CONTRACT
HARMLESS FOR HIS OWN NEGLIGENCE.

The General Assembly of North Carolina enacts:

Section 1. The General Statutes of North Carolina are hereby amended by adding a new Chapter thereto to read as follows:

"Chapter 22B.

"Contracts Against Public Policy.

"Article 1.

"Construction Indemnity Agreements Invalid.

"§ 22B-1. Construction indemnity agreements invalid. — Any promise or agreement in, or in connection with, a contract or agreement relative to the design, planning, construction, alteration, repair or maintenance of a building, structure, highway, road, appurtenance or appliance, including moving, demolition and excavating connected therewith, purporting to indemnify or hold harmless the promisee, the promisee's independent contractors, agents, employees, or indemnitees against liability for damages arising out of bodily injury to persons or damage to property proximately caused by or resulting from the negligence, in whole or in part, of the promisee, its independent contractors, agents, employees, or indemnitees, is against public policy and is void and unenforceable. Nothing contained in this section shall prevent or prohibit a contract, promise or agreement whereby a promisor shall indemnify or hold harmless any promisee or the promisee's independent contractors, agents, employees or indemnitees against liability for damages resulting from the sole negligence of the promisor, its agents or employees. This section shall not affect an insurance contract, workmen's compensation, or any other agreement issued by an insurer, nor shall this section apply to promises or agreements under which a public utility as defined in G.S. 62-3(23) including a railroad corporation as an indemnitee. This section shall not apply to contracts entered into by the Department of Transportation pursuant to G.S. 136-28.1."

Sec. 2. This act shall become effective July 1, 1979, and shall apply to contracts signed on or after the effective date.

In the General Assembly read three times and ratified, this the 21st day of May, 1979.