

1 5566 AAS 3/19/91

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.

