

HOUSE BILL NO. 1322

Introduced by

Representatives Keiser, Clark

Senators Cook, Potter

1 A BILL for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota
2 Century Code, relating to indemnification provisions in state services contracts.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 54-44.4 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Mandatory indemnification provision.** If a contract for services between a state
7 agency or institution and a person contains an indemnification provision, the following provision
8 must be located conspicuously in the contract and be set forth in at least ten-point boldfaced
9 type or equivalent size if the contract is handwritten:

10 [NAME] agrees to indemnify and hold harmless the state of North Dakota
11 from any claim, damage, or loss arising out of personal injury, death, and
12 property damage, other than the work itself, caused by [NAME]'s negligent
13 act, error, or omission in performance of its services under the agreement to
14 the extent and in proportion to [NAME]'s comparative degree of fault. [NAME]
15 has no obligation to indemnify or hold harmless the state from any claim,
16 damage, or loss arising out of the state's contributory negligence, comparative
17 degree of fault, sole negligence, or intentional misconduct.