

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1166

Introduced by

Representatives Klemin, Drovdal, Sukut

Senators Andrist, Lyson, Oehlke

1 A BILL for an Act to create and enact a new section to chapter 38-01 of the North Dakota
2 Century Code, relating to indemnity agreements in oil and gas production contracts.

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

4 **SECTION 1.** A new section to chapter 38-01 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Indemnity agreement in oil and gas production contracts void.**

- 7 1. An agreement, covenant, or promise contained in, collateral to, or affecting an
8 agreement pertaining to a well for oil or gas which purports to indemnify the
9 indemnitee against loss or liability for damages for death, bodily injury, or injury to
10 property is against public policy and void and unenforceable to the extent the contract
11 of indemnity by its terms purports to relieve the indemnitee from loss or liability for:
12 a. The indemnitee's own negligence;
13 b. The negligence of the indemnitee's agents or employees or an independent
14 contractor who is directly responsible to the indemnitee; or
15 c. An accident that occurs in operations carried on at the direction or under the
16 supervision of the indemnitee or an employee or representative of the indemnitee
17 or in accordance with methods and means specified by the indemnitee or an
18 employee or representative of the indemnitee.
- 19 2. As used in this section, "agreement pertaining to a well for oil or gas" means an
20 agreement or understanding, written or oral, concerning operations relating to drilling,
21 deepening, reworking, repairing, improving, testing, treating, perforating, acidizing,
22 logging, conditioning, altering, plugging, or otherwise rendering services in or in
23 connection with a well drilled for the purpose of producing or disposing of oil or gas, or
24 an agreement to perform any portion of any such work or services or any act collateral

- 1 thereto, including the furnishing or rental of equipment, incidental transportation, or
2 other goods and services furnished in connection with any such service or operation.
3 3. This section does not affect the validity of an insurance contract or a benefit conferred
4 by the workforce safety and insurance laws of this state.
5 4. This section does not deprive an owner of the surface estate of the right to secure an
6 indemnity from a lessee, operator, contractor, or other person conducting operations
7 for the exploration or production of oil and gas on the owner's land.