

63A-5-223 Contracts -- Certain indemnification provisions forbidden.

- (1) As used in this section, "design professional" means:
 - (a) an architect, licensed under Title 58, Chapter 3a, Architects Licensing Act;
 - (b) a landscape architect, licensed under Title 58, Chapter 53, Landscape Architects Licensing Act; and
 - (c) a professional engineer or professional land surveyor, licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.
- (2)
 - (a) Beginning May 12, 2009, a contract, including an amendment to an existing contract, entered into under authority of this chapter may not require that a design professional indemnify another from liability claims that arise out of the design professional's services, unless the liability claim arises from the design professional's negligent act, wrongful act, error or omission, or other liability imposed by law.
 - (b) Subsection (2)(a) may not be waived by contract.
 - (c) Notwithstanding Subsections (2)(a) and (b), a design professional may be required to indemnify a person for whom the design professional has direct or indirect control or responsibility.

Enacted by Chapter 217, 2009 General Session