

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-SECOND SESSION**

**S.F. No. 3850**

(SENATE AUTHORS: JOHNSON)

DATE	D-PG	OFFICIAL STATUS
03/09/2022	5256	Introduction and first reading Referred to Civil Law and Data Practices Policy
03/23/2022	5564	Comm report: To pass
	5564	Second reading
05/10/2022	8181	Special Order
	8181	Third reading Passed
05/18/2022	8486	Returned from House
		Presentment date 05/20/2022
	9335	Governor's action Approval 05/22/2022
	9336	Secretary of State Chapter 68 05/22/2022
		Effective date 05/23/22

- 1.1 A bill for an act
- 1.2 relating to civil law; clarifying indemnity application when insurance coverage
- 1.3 exists; amending Minnesota Statutes 2020, section 604.21.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2020, section 604.21, is amended to read:
- 1.6 **604.21 INDEMNITY AGREEMENTS IN DESIGN PROFESSIONAL SERVICES**
- 1.7 **CONTRACTS VOID.**
- 1.8 (a) A provision contained in, or executed in connection with, a design professional
- 1.9 services contract is void and unenforceable to the extent it attempts to require an indemnitor
- 1.10 to indemnify, to hold harmless, or to defend an indemnitee from or against liability for loss
- 1.11 or damage resulting from the negligence or fault of anyone other than the indemnitor or
- 1.12 others for whom the indemnitor is legally liable.
- 1.13 (b) For purposes of this section, "design professional services contract" means a contract
- 1.14 under which some portion of the work or services is to be performed or supervised by a
- 1.15 person licensed under section 326.02, and is furnished in connection with any actual or
- 1.16 proposed maintenance of or improvement to real property, highways, roads, or bridges.
- 1.17 (c) This section does not apply to the extent that the obligation to indemnify, to hold
- 1.18 harmless, or to defend an indemnitee is ~~able to be~~ covered by insurance.
- 1.19 (d) This section does not apply to agreements referred to in section 337.03 or 337.04.
- 1.20 (e) A provision contained in, or executed in connection with, a design professional
- 1.21 services contract for any actual or proposed maintenance of, or improvement to, real property,
- 1.22 highways, roads, or bridges located in Minnesota that makes the contract subject to the laws

- 2.1 of another state or requires that any litigation, arbitration, or other dispute resolution process
- 2.2 on the contract occur in another state is void and unenforceable.
- 2.3 (f) This section supersedes any other inconsistent provision of law.
- 2.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.