

# HOUSE BILL 452

P2

9lr1947  
CF 9lr2001

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By: **Delegates Krebs, Morgan, and Saab**

Introduced and read first time: January 31, 2019

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Procurement Contracts – Architectural and Engineering Services – Indemnity**  
3 **Clauses**

4 FOR the purpose of prohibiting a procurement contract for architectural or engineering  
5 services from containing a certain indemnity clause under certain circumstances;  
6 defining a certain term; and generally relating to indemnity clauses in architectural  
7 and engineering procurement contracts.

8 BY adding to

9 Article – State Finance and Procurement

10 Section 13–228

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2018 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
14 That the Laws of Maryland read as follows:

15 **Article – State Finance and Procurement**

16 **13–228.**

17 **(A) IN THIS SECTION, “NEGLIGENT PERFORMANCE” MEANS A FAILURE TO**  
18 **PERFORM WITH THE STANDARD DEGREE OF SKILL AND CARE ORDINARILY**  
19 **EXERCISED BY DESIGN PROFESSIONALS PRACTICING AT THE SAME TIME AND**  
20 **LOCATION, WHEN PERFORMING SIMILAR SERVICES UNDER SIMILAR**  
21 **CIRCUMSTANCES.**

22 **(B) A PROCUREMENT CONTRACT FOR ARCHITECTURAL OR ENGINEERING**  
23 **SERVICES MAY NOT CONTAIN AN INDEMNITY CLAUSE THAT IMPOSES A DUTY TO**  
24 **INDEMNIFY OR DEFEND AGAINST CLAIMS ARISING OUT OF THE ARCHITECT’S OR**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **ENGINEER'S PERFORMANCE OR PROFESSIONAL SERVICES UNLESS A NEGLIGENT**  
2 **PERFORMANCE STANDARD IS USED FOR APPORTIONING LIABILITY.**

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2019.