



MTBMA

MARYLAND TRANSPORTATION BUILDERS
AND MATERIALS ASSOCIATION

January 26th, 2022

Senator William C. Smith, Chair
Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

RE: SB 161 – Courts – Prohibited Indemnity and Defense Liability Agreements – OPPOSE

Dear Chair Smith and Members of the Committee:

The Maryland Transportation Builders and Materials Association (“MTBMA”) has been and continues to serve as the voice for Maryland’s construction transportation industry since 1932. Our association is comprised of 200 members. MTBMA encourages, develops, and protects the prestige of the transportation construction and materials industry in Maryland by establishing and maintaining respected relationships with federal, state, and local public officials.

SB 161 expands the prohibitions against agreement clauses in construction contracts to prohibit the inclusion of indemnification or hold harmless clauses and provisions requiring a design professional to defend parties against liability unless the design professional is at fault for causing the loss, damage, or expense indemnified, by showing proximate cause.

We have serious concerns with the protections this bill would provide to design professionals, and the additional liability it creates for contractors. As you are aware, our industry works hand in hand with professional engineers. While at this present time we are opposed to SB 161, we would happily agree to meeting with the Sponsor as well as all interested stakeholders to figure out the best path forward to ensure everyone is properly protected.

We look forward to discussing this issue further and to a peaceful resolve.

Thank you,

Michael Sakata
President and CEO
Maryland Transportation Builders and Materials Association