

CHAIRMAN:
Rob Scrivener
VICE CHAIRMAN
Brian Russell

MARYLAND ASPHALT ASSOCIATION



SECRETARY:
David Slaughter
TREASURER:
Jeff Graf
PRESIDENT:
G. Marshall Klinefelter

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 Asphalt Association is comprised of 18 producer members representing more than 47 production facilities, 24 contractor members, 24 consulting engineer firms and 41 other associate members. We proactively work with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland's multimodal transportation system.

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,

Marshall Klinefelter
President
Maryland Asphalt Association