

LEGISLATIVE BILL 492

Approved by the Governor May 26, 1987

Introduced by Nelson, 35; Hannibal, 4; Chizek, 31;
L. Johnson, 15; Elmer, 38; Pirsch, 10;
Conway, 17; Hefner, 19; Korshoj, 16

AN ACT relating to liability; to amend section 25-21,187, Reissue Revised Statutes of Nebraska, 1943; to restrict the liability of professional architects, professional engineers, and professional land surveyors as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 25-21,187, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-21,187. (1) In the event that a public or private contract or agreement, for the construction, alteration, repair, or maintenance of a building, structure, highway bridge, viaduct, water, sewer, or gas distribution system, or other work dealing with construction, or for any moving, demolition, or excavation connected with such construction, contains a covenant, promise, agreement, or combination thereof, to indemnify or hold harmless another person from ~~that~~ such person's own negligence, then such covenant, promise, agreement, or combination thereof ~~is~~ shall be void as against public policy and wholly unenforceable. This ~~section~~ subsection shall not apply to construction bonds or insurance contracts or agreements.

(2) No professional architect, professional engineer, or professional land surveyor who is retained to perform professional services on a construction project and no employee of a professional architect, professional engineer, or professional land surveyor who is assisting or representing the professional architect, professional engineer, or professional land surveyor in the performance of professional services on a construction project shall be liable in tort for any case of personal injury to or death of any employee working on a construction project arising out of and in the course of employment on the construction project and occurring as a result of a violation of a safety practice by any third party unless the responsibility

for supervision of safety practices has been assumed by contract or by other conduct. This subsection shall not be construed to establish, diminish, or abrogate any duty, standard of care, or liability of any person or individual except as expressly provided in this subsection.

Sec. 2. That original section 25-21,187, Reissue Revised Statutes of Nebraska, 1943, is repealed.