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# A BILL FOR AN ACT

RELATING TO PROCUREMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 103D, Hawaii Revised Statutes, is  
2 amended by adding a new section to part VII to be appropriately  
3 designated and to read as follows:

4           "§103D-        Defense of a governmental body. (a) If a  
5 governmental body enters into a contract for construction design  
6 professional services with a person who is a licensee under  
7 chapter 464, the contract shall not require the person to defend  
8 the governmental body, its officers, employees, or agents from  
9 any liability, damage, loss, or claim, action, or proceeding.

10           (b) The contract may require the person to indemnify and  
11 hold harmless the governmental body, and its officers and  
12 employees from and against any liability, loss, damage, cost and  
13 expense, including all reasonable attorneys' fees, and all  
14 claims, suits, and demands therefor, arising out of or resulting  
15 from the negligent and other wrongful acts, errors, or omissions  
16 of the person, the persons' employees, officers, agents, or  
17 subcontractors in the performance of their professional  
18 services.



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1        (c) Any provision of a contract between a governmental  
 2 body and a person in violation of subsection (a) is contrary to  
 3 the public policy of this State and is void."

4        SECTION 2. New statutory material is underscored.

5        SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 24 2006



HB 2594

**Report Title:**

Procurement; Indemnification; Governmental Body

**Description:**

Prohibits provisions in governmental procurement contracts that require the contractor to defend the governmental body; allows contracts to require a contractor to indemnify and hold harmless the governmental body.

