

2013 DRAFTING REQUEST

Bill

Received: **3/27/2013** Received By: **phurley**
Wanted: **As time permits** Same as LRB: **-0601**
For: **John Spiros (608) 266-1182** By/Representing:
May Contact: Drafter: **phurley**
Subject: **Courts - immunity liability** Addl. Drafters: **phurley**
Fin. Inst. - UCC

Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Spiros@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Indemnification clauses in contracts for the sale of goods or services

Instructions:

Wants redraft of 2011 SB-562, but limited to just services, not goods

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 3/27/2013	evinz 3/27/2013	jfrantze 3/27/2013	_____	sbasford 3/27/2013	sbasford 3/28/2013	

FE Sent For:

*None
needed*

<END>

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/1	phurley	1 eev 3/27/13		Jb 3/27			

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-060177
PJH:eev:rs

Stays

2013 BILL

3-27-13

2002/11
rmnr

1 AN ACT ^{repeal} to create 895.44 of the statutes; relating to: indemnification provisions
2 in contracts for the sale of services.

Analysis by the Legislative Reference Bureau

Current law generally affords parties to a contract freedom to determine the terms of the contract, and these contract terms are enforceable in court unless the court determines that the terms are against public policy. Current law generally allows a party to enforce a provision in a contract that indemnifies or holds harmless the party from or against liability for loss or damage resulting from that party's own negligence or intentional acts or omissions, or that requires another person to provide a defense to the party in connection with an assertion of liability for loss or damage resulting from that party's own negligence or intentional acts or omissions (indemnification provision).

Under this bill, in a contract for the sale of services, other than an insurance policy, an indemnification provision is generally against public policy and void. Under the bill, an indemnification provision may be enforced if it is part of a contract for construction work that is entered into by a registered construction contractor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 895.44 of the statutes is created to read:

Parisi, Lori

From: Bates, Katherine
Sent: Wednesday, March 27, 2013 3:16 PM
To: LRB.Legal
Subject: Draft Review: LRB -2002/1 Topic: Indemnification clauses in contracts for the sale of goods or services

Please Jacket LRB -2002/1 for the ASSEMBLY.