

## HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 961

By COMMITTEE ON BUSINESS AND LABOR

June 1

1 On page 1 of the printed A-engrossed bill, line 2, delete “creating new provisions; amending ORS  
2 30.140;”.

3 Delete lines 5 through 27 and delete page 2 and insert:

4 **“SECTION 1. (1) Except as provided in this section, a provision in a construction agree-**  
5 **ment is void to the extent that the provision requires a party or the party’s surety or insurer**  
6 **to waive a right of subrogation, indemnity or contribution for amounts paid by reason of**  
7 **death or bodily injury, or damage to property, caused in whole or in part by the negligence**  
8 **of another person.**

9 **“(2) This section does not apply to a provision for waiver of subrogation, indemnity or**  
10 **contribution in an insurance policy issued pursuant to ORS 737.602 or to a provision for**  
11 **waiver of subrogation, indemnity or contribution that applies to proceeds of a property in-**  
12 **surance policy.**

13 **“(3) This section does not apply to a provision for waiver of subrogation, indemnity or**  
14 **contribution in a real property lease or rental agreement between a landlord and tenant,**  
15 **whether or not any provision of the lease or rental agreement relates to or involves planning,**  
16 **designing, constructing, altering, repairing, improving or maintaining, as long as the pre-**  
17 **dominant purpose of the lease or rental agreement is not planning, designing, constructing,**  
18 **altering, repairing, improving or maintaining real property.**

19 **“(4) This section does not apply to a provision for waiver of subrogation, indemnity or**  
20 **contribution in a personal property lease or rental agreement.**

21 **“(5) This section does not apply to a provision for waiver of subrogation, indemnity or**  
22 **contribution in a construction agreement in which one of the parties is a railroad as defined**  
23 **in ORS 824.200.**

24 **“(6) As used in this section, ‘construction agreement’ has the meaning given that term**  
25 **in ORS 30.140.**

26 **“SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**  
27 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
28 **on its passage.”.**

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