

STATE BY STATE ANTI-INDEMNITY STATUTES

State	Sole Negligence	Sole or Partial Negligence	Closes A.I. Loophole	Comments
Alabama				No statute.
Alaska	X			Alaska Stat. § 45.45.900. Except for hazardous substances.
Arizona	X (Private Work)	X (Public Work)		Ariz. Rev. Stat. §§ 32-1159, 34-226, 41-2586. Except for entry onto adjacent land.
Arkansas	X			A.C.A. §§ 4-56-104 (private) & 22-9-214 (public)
California	X			Civ. Code §§ 2782 <i>et seq.</i> Except for entry onto adjacent land.
Colorado		X (See Comments)		Colo Rev. Stat. §§ 13-21-111.5 (private) (exception for contracts pertaining to property owned by railroads) & 13-50.5-102 (public)
Connecticut		X		Conn. Gen. Stat. § 52-572k (P.A. 01-155).
Delaware		X	(See comments)	Del. Code, Title 6 § 2704. (Additional insured requirement may be unenforceable but endorsement is not.)
D.C.				No statute.
Florida		X		Fla. Stat. § 725.06. If the project is a private property indemnity is allowed if there is monetary limitation and reproduction in bid documents.
Georgia	X (See comments)			GA. Code § 13-8-2 has been gutted by intermediate level appellate courts creating an exception for hold harmless obligations that are

				insured.
Hawaii	X			Hawaii Rev. Stat. § 431:10-222.
Idaho	X			Idaho Rev. Stat. § 29-114.
Illinois		X		Ill. Complied Stat. 740 ILCS 35/1-3.
Indiana	X			Ind. Code § 26-2-5, highway construction exception
Iowa				No statute.
Kansas		X	X	Kansas Stat. § 16-121 (also bars additional insured coverage for negligence of the additional insured); see also Kansas Fairness in Private Construction Contract Act [SB 33 (2005)], § 3(b)(3) (bars waivers of subrogation on claims paid by liability and workers' compensation insurance).
Kentucky		X		Kentucky Rev. Stat., chap 371.180.
Louisiana		X		La. Rev. Stat. § 38:2216.G only protects prime contractors on public works. The Louisiana Oilfield Indemnity Act, La. Rev. Stat. Ann. § 9:2780, as applied has been held to void both hold harmless and additional insured clauses.
Maine				No statute.
Maryland	X			Md. Code, Cts and Jdcl Pro, §5-401.
Massachusetts		X		Mass. Gen. Laws, ch. 149 § 29C.
Michigan	X			Mich. Comp. Laws § 691.991

Minnesota	X			Minn. Stat. §§ 337.01, 337.02
Mississippi		X		Miss. Code § 31-5-41.
Missouri	X (See comments)			Mo. Rev. Stat. § 434.100. Also contains an exception for construction work pertaining to “railroads regulated by the FRA.”
Montana		X	X	Montana Rev. Code § 28-2-2111 prohibits requirements to “insure or defend” but authorizes owners and contractors protective liability coverage (OCP), and project management protective liability coverage (PMPL) and permits indemnity for the negligence, recklessness, or intentional misconduct of a third party or of the indemnifying party.
Nebraska		X		Neb. Rev. Stat. § 25-21, 187.
Nevada		X		No statute.
New Hampshire				N.H. Rev. Stat. § 338-A:1 only prohibits indemnity of design professionals.
New Jersey	X			N.J. Stat. § 2A:40A-1.
New Mexico		X	X	N.M. Stat. § 56-7-1 prohibits requirements to “insure of defend” but authorizes OCP, PMPL and indemnity clauses limited to extent of liability of indemnifying party.
New York		X		N.Y. Gen. Oblig. Laws § 5-322-1.
North Carolina		X		N.C. Gen. Stat. § 22B-1.

North Dakota		X		N.D. Cent. Code 9-08-02.1. Only applies as between the contractor and the owner for errors or omissions of the owner.
Ohio		X	(See comments)	Ohio Rev. Code § 2305.31. Split of authority as to applicability of statute under additional insured obligations.
Oklahoma		X	X	Okla. Stat. § 15-221.
Oregon		X	X	Ore. Rev. Stat. § 30.140 prohibits subcontractor's surety or insurer from indemnifying another's negligence.
Pennsylvania				Pa. Stat., Title 68, § 491, prohibits indemnity of design professionals only.
Rhode Island	X			R.I. Gen. Laws § 6-34-1.
South Carolina		X		S.C. Code § 32-2-10.
South Dakota	X			S.D. Codified Laws § 56-3-18.
Tennessee	X			Tenn. Code 62-6-123.
Texas		X (Public works only; injuries excluded)		Government Code § 2252.902. Civ. P&R Code § 130.002 only prohibits indemnity of design professionals.
Utah		X		Utah Code § 13-8-1 exception permits indemnity of owner.
Vermont				No statute.
Virginia	X			Va. Code § 11-4-1.
Washington		X		Wash. Rev. Code § 4.24.115. Indemnity is valid for current negligence under specific conditions.
West Virginia	X			W. Va. Code § 55-8-14.

Wisconsin		X		Wis. Stat. § 895.447. Does not apply to workers' compensation or insurance contracts.
Wyoming				No statute.