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CLERK OF  
SENATE AND HOUSE OF DELEGATES  
STATE OF WEST VIRGINIA

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1975**

— ● —

**ENROLLED**

HOUSE BILL No. 1236

*Originating in the House Committee on the*  
(By Mr. \_\_\_\_\_)

*Judiciary*

— ● —

PASSED March 8, \_\_\_\_\_ 1975

In Effect ninety days from \_\_\_\_\_ Passage



*Handwritten marks on the left margin, including a large '2' and other scribbles.*

ENROLLED

**H. B. 1236**

(Originating in the House Committee on the Judiciary)

[Passed March 8, 1975; in effect ninety days from passage.]

AN ACT to amend article eight, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fourteen, making covenants, promises, agreements or understandings of indemnification against the sole negligence of the indemnitee, his agents or employees against public policy; providing that no action may be maintained thereon; and providing exceptions.

*Be it enacted by the Legislature of West Virginia:*

That article eight of chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fourteen, to read as follows:

**ARTICLE 8. ACTIONS ON CONTRACTS.**

**§55-8-14. Agreements to indemnify against sole negligence of the indemnitee, his agents or employees against public policy; no action maintainable thereon; exceptions.**

1 A covenant, promise, agreement or understanding in or in  
2 connection with or collateral to a contract or agreement  
3 entered into on or after the effective date of this section,  
4 relative to the construction, alteration, repair, addition to, sub-  
5 traction from, improvement to or maintenance of any building,  
6 highway, road, railroad, water, sewer, electrical or gas distribu-  
7 tion system, excavation or other structure, project, development  
8 or improvement attached to real estate, including moving and

9 demolition in connection therewith, purporting to indemnify  
10 against liability for damages arising out of bodily injury to per-  
11 sons or damage to property caused by or resulting from the sole  
12 negligence of the indemnitee, his agents or employees is against  
13 public policy and is void and unenforceable and no action shall  
14 be maintained thereon.

15 This section does not apply to construction bonds or in-  
16 surance contracts or agreements.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Clarence C. Christian Jr.  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. DeLoach Jr.  
Clerk of the Senate

L. Blankenship  
Clerk of the House of Delegates

W. B. Hunter  
President of the Senate

Lewis F. Thomas  
Speaker House of Delegates

The within Approved this the 22<sup>nd</sup>  
March day of \_\_\_\_\_, 1975.

Rich A. Young Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/18/75

Time 4:15 p.m.