

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1546 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Ryan Martinez

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

PROPOSED COMMITTEE  
SUBSTITUTE

FOR

HOUSE BILL NO. 1546

By: McCall

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to design professional services agreements; defining term; declaring certain provisions void and unenforceable; stating exceptions; stating applicability of act; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 221A of Title 15, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section "design professional services agreement" means a contract, subcontract, or agreement by any person or legal entity with an individual or legal entity possessing the qualifications to provide licensed architectural, licensed engineering, licensed land surveying services or other individuals or legal entities possessing specialized credentials and qualifications as may be needed to evaluate, plan or design for any construction project for the improvement of real property.

1       B. Except as provided in subsection C or D of this section, any  
2 provision in a design professional services agreement that requires  
3 an entity or that entity's insurer to indemnify, insure, defend or  
4 hold harmless another entity against liability for damage arising  
5 out of death or bodily injury to persons or damage to property which  
6 arises out of the negligence or fault of the indemnitee, its agents,  
7 representatives, subcontractors, suppliers or an entity for whom an  
8 indemnitor is not otherwise legally responsible, is void and  
9 unenforceable.

10       C. The provisions of this section do not affect any provision  
11 in a design professional services agreement that requires an entity  
12 or that entity's insurer to indemnify another entity against  
13 liability for damage arising out of death or bodily injury to  
14 persons or damage to property, provided, that a lawful  
15 indemnification shall not exceed an amount that is proportionate to  
16 the degree or percentage of negligence or fault for which the  
17 indemnitor and an entity for which the indemnitor is legally  
18 responsible are adjudicated liable.

19       D. This section shall not affect any obligation under workers'  
20 compensation or coverage or insurance specifically relating to  
21 workers' compensation.

22       E. Any provision, covenant, clause or understanding in a design  
23 professional services agreement that conflicts with the provisions  
24 and intent of this section or attempts to circumvent this section by

1 making the agreement subject to the laws of another state, or that  
2 requires any litigation, arbitration or other dispute resolution  
3 proceeding arising from the agreement to be conducted in another  
4 state, is void and unenforceable.

5 SECTION 2. This act shall become effective November 1, 2020.

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7 57-2-10931 JBH 02/18/20

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