

# HOUSE BILL NO. 4880

September 11, 2025, Introduced by Reps. Wortz, Borton, Wozniak, Martin and Schuette and referred to Committee on Economic Competitiveness.

A bill to amend 1966 PA 165, entitled  
"An act to invalidate certain requirements for indemnity in the  
construction industry,"  
by amending section 1 (MCL 691.991), as amended by 2012 PA 468.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. (1) In a contract for the design, construction,  
2 alteration, repair, or maintenance of a building, a structure, an  
3 appurtenance, an appliance, a highway, road, bridge, water line,  
4 sewer line, or other infrastructure, or any other improvement to  
5 real property, including moving, demolition, and excavating

connected ~~therewith,~~ **with that improvement,** a provision purporting to indemnify the promisee against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the promisee or indemnitee, ~~or his~~ **the agents or employees of the promisee or indemnitee,** is against public policy and is void and unenforceable.

(2) When entering into a contract with a Michigan-licensed architect, professional engineer, ~~landscape architect,~~ or professional surveyor, **or a landscape architect who is authorized to do business in this state,** for the design of a building, a structure, an appurtenance, an appliance, a highway, road, bridge, water line, sewer line, or other infrastructure, or any other improvement to real property, or a contract with a contractor for the construction, alteration, repair, or maintenance of ~~any such an~~ **improvement to real property,** including moving, demolition, and excavating connected ~~therewith,~~ **with that improvement,** a public entity shall not require the Michigan-licensed architect, professional engineer, ~~landscape architect,~~ or professional surveyor, **the landscape architect,** or the contractor to defend the public entity or any other party from claims, or to assume any liability or indemnify the public entity or any other party for any amount greater than the degree of fault of the Michigan-licensed architect, professional engineer, ~~landscape architect,~~ or professional surveyor, **the landscape architect,** or the contractor and that of ~~his or her~~ **the contractor's** respective subconsultants or subcontractors. A contract provision executed in violation of this section is against public policy and is void and unenforceable.

(3) For the purposes of this section, a contractor may be an

1 individual, sole proprietorship, partnership, corporation, limited  
 2 liability company, joint venture, construction manager, or other  
 3 business arrangement.

4 (4) As used in this section, "public entity" means this state  
 5 and all agencies ~~thereof, of this state~~, any public body corporate  
 6 within this state and all agencies ~~thereof, of those public bodies~~,  
 7 and any nonincorporated public body within this state of whatever  
 8 nature and all agencies ~~thereof, of those public bodies~~, including,  
 9 but not limited to, cities, villages, townships, counties, school  
 10 districts, intermediate school districts, authorities, and  
 11 community and junior colleges as provided for in section 7 of  
 12 article VIII of the state constitution of 1963, and ~~their-any~~  
 13 employees and agents **of those public entities**, including, but not  
 14 limited to, construction managers or other business arrangements  
 15 retained by or contracting with the public entity to manage or  
 16 administer the contract for the public entity. ~~However, public~~  
 17 **Public** entity does not include institutions of higher education as  
 18 described or provided for in section 4 or 6 of article VIII of the  
 19 state constitution of 1963, or ~~their-any~~ employees or agents **of**  
 20 **those institutions**.

21 (5) Nothing in this act affects the application of 1964 PA  
 22 170, MCL 691.1401 to 691.1419.

23 Enacting section 1. This amendatory act does not take effect  
 24 unless House Bill No. 4879 (request no. H02611'25) of the 103rd  
 25 Legislature is enacted into law.