

# HOUSE BILL No. 5164

September 25, 1991, Introduced by Rep. Palamara and referred to the Committee on Judiciary.

A bill to void certain provisions in construction contracts that limit damages; and to provide for remedies.

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

1       Sec. 1. A provision in a public or private construction  
2 contract that waives, releases, or extinguishes the right of a  
3 contractor, subcontractor, or supplier to recover damages caused  
4 by the delay in performance due to the actions or omissions of  
5 the owner or a person acting for the owner is void and unenforce-  
6 able as being against public policy.

7       Sec. 2. As used in this act, "construction contract" means  
8 a written agreement between a contractor and an owner for the  
9 construction, erection, reconstruction, alteration, conversion,  
10 demolition, repair, moving, or equipping of a building or  
11 structure.