



## Twin Cities Roofing Contractors Association, Inc.

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February 26, 2021

Honorable Members of the House of Representatives  
Minnesota State Capitol  
Saint Paul, MN 55155

Re: Vote Yes on HF803/SF1025

Dear Representative:

The Twin Cities Roofing Contractors Association urges you to vote Yes on HF803/SF1025. TCRCA Contractors provide roofing and waterproofing construction services on industrial, commercial and residential buildings. As subcontractors on a building project, it is common for general contractors to require us to sign contracts with a duty to defend clause that puts our companies at risk for legal costs arising out of negligent conduct of the general contractor. This has led to the absurd result of requiring a roofing contractor to pay the legal costs incurred by a general contractor when the activity/defect which is the subject of the lawsuit had nothing to do with the roofing work performed on the job.

Abolishing the duty to defend term in Minnesota construction contracts is fair, responsible and good public policy. Duty to defend clauses require subcontractors to pay legal costs incurred by the general contractor regardless of any involvement or influence in the defect or negligent conduct. There is fundamental unfairness when we are required to pay for the wrongful acts of others. Prudent public policy would require those who engaged in negligent or wrongful conduct to pay their own legal fees. An obligation to pay your own legal fees should be an additional disincentive to engaging in wrongful conduct. The current law allows general contractors to contract away the cost of defending their own negligent conduct and this loophole must be addressed. Your vote to pass HF803/SF1025 will fix this problem.

Thank you for your time and consideration of this important issue to our industry. Thank you for your Yes vote on HF803/SF1025.

Sincerely,

Judith Olson  
President