



March 1, 2021

Honorable Minnesota Legislators
Capital Saint Paul, MN 55155

Dear Legislators,

The Minnesota Association Plumbing Heating and Cooling Contractors requests your attention to a problem that our members are having serious concerns about. It has become the standard practice in Minnesota for General Contractors to contractually force their Sub Contractors to pay their legal fees even when the General Contractor is negligent!

The loophole developed by attorneys for the General Contractors exploited some ambiguous language in MN statute 337.01. Here is the clause developed by these lawyers as it appears in some contracts signed by unsuspecting small businesses in Minnesota.

"Subcontractor agrees to defend Contractor, its agents and employees from all claims including, without limitation, claims for which Contractor may be or may be claimed to be liable and to pay all legal fees and disbursements paid or incurred by Contractor in defense of such claims or to enforce the provisions of this paragraph."

The solution to this unfair practice is before you in HF 803/SF 1025.

Sincerely,

David Radziej IOM, CAE
Executive Vice President
Mn Association of Plumbing Heating and Cooling Contractors