

2008

CONSTRUCTION LAW

Ten Frequently Asked Questions

Ten FAQ on Ohio Construction Law, cont.

6. Can you waive payment bond rights “upfront” in the contract?

No. It is against public policy.

7. What other contract provisions are against Ohio public policy?

“No damage for delay” provisions when the owner or contractor causes the delay; “final payment” provisions when prior notice of a claim is given; and clauses forcing a dispute on an Ohio project to be arbitrated or litigated in another state.

8. What about “pay if paid” clauses?

Unambiguous “pay if paid” clauses are enforceable, but do not bar the timely filing of mechanic’s liens.

9. What law applies?

Ohio law is to apply if the project is located in Ohio.

10. Does Ohio have an anti-indemnity statute?

Yes. It makes unenforceable efforts to hold someone responsible for another’s negligence, in whole or in part.

