

**29 USC 1110: Exculpatory provisions; insurance**

Text contains those laws in effect on May 13, 2021

**From Title 29-LABOR**

CHAPTER 18-EMPLOYEE RETIREMENT INCOME SECURITY PROGRAM

SUBCHAPTER I-PROTECTION OF EMPLOYEE BENEFIT RIGHTS

part 4-fiduciary responsibility

**Jump To:**

[Source Credit](#)

**§1110. Exculpatory provisions; insurance**

(a) Except as provided in sections 1105(b)(1) and 1105(d) of this title, any provision in an agreement or instrument which purports to relieve a fiduciary from responsibility or liability for any responsibility, obligation, or duty under this part shall be void as against public policy.

(b) Nothing in this subpart <sup>1</sup> shall preclude-

(1) a plan from purchasing insurance for its fiduciaries or for itself to cover liability or losses occurring by reason of the act or omission of a fiduciary, if such insurance permits recourse by the insurer against the fiduciary in the case of a breach of a fiduciary obligation by such fiduciary;

(2) a fiduciary from purchasing insurance to cover liability under this part from and for his own account; or

(3) an employer or an employee organization from purchasing insurance to cover potential liability of one or more persons who serve in a fiduciary capacity with regard to an employee benefit plan.

( Pub. L. 93-406, title I, §410, Sept. 2, 1974, 88 Stat. 886 .)

<sup>1</sup> So in original. This part does not contain subparts.