



General Assembly

Substitute Bill No. 7288

January Session, 2019



AN ACT CONCERNING SNOW REMOVAL AND ICE CONTROL SERVICES CONTRACTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2019, and applicable to contracts*
2 *entered into on and after said date*) (a) As used in this section:

3 (1) "Service provider" means a person providing services under a
4 snow removal and ice control services contract;

5 (2) "Service receiver" means a person receiving services under a
6 snow removal and ice control services contract;

7 (3) "Snow removal and ice control services contract" means a
8 contract or agreement for the performance of: (A) Plowing, shoveling
9 or removal of snow or ice, (B) de-icing services, or (C) a service
10 incidental to subparagraph (A) or (B) of this subdivision, including,
11 but not limited to, operating or moving snow removal or de-icing
12 equipment or materials.

13 (b) A provision, clause, covenant or agreement that is part of or in
14 connection with a snow removal and ice control services contract and
15 that: (1) Requires or has the effect of requiring a service provider to
16 indemnify a service receiver for acts that the service provider is not
17 required to perform, or is instructed by the service receiver not to

18 perform, under a snow removal and ice control services contract, or (2)
19 requires, or has the effect of requiring, a service provider to hold a
20 service receiver harmless from any tort liability for damages resulting
21 from the acts or omissions of the service receiver or the service
22 receiver's agents or employees is against public policy and void if it
23 prohibits the service provider, by express contract terms or in writing,
24 from mitigating a specific snow, ice or other mixed-precipitation event
25 or risk.

26 (c) The provisions of this section shall not apply to snow removal
27 and ice control services contracts to be performed on municipal or
28 state-owned roadways or property.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019, and applicable to contracts entered into on and after said date</i>	New section

Statement of Legislative Commissioners:

The provisions of Subsec. (b) were rearranged for purposes of clarity.

GL *Joint Favorable Subst.*