
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1702 Session of
2019

INTRODUCED BY MURT, MILLARD, NEILSON AND EVERETT, JULY 8, 2019

REFERRED TO COMMITTEE ON INSURANCE, JULY 8, 2019

AN ACT

1 Providing for enforceability of certain indemnity provisions in
2 snow removal and ice control services contracts.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Commercial
7 Property Snow Removal Service Liability Limitation Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Commercial property." A property or portion of a property
13 that is used, occupied or is intended, arranged or designed to
14 be used or occupied for the purpose of operating a business, an
15 office, a manufacturing facility or a public accommodation. The
16 term includes any of the following:

17 (1) All or part of a building, structure or facility on
18 the property or portion of the property.

1 (2) A residential development operating under a
2 homeowners' association for the maintenance of the property
3 or portion of the property.

4 (3) An apartment complex consisting of five or more
5 residential dwelling units.

6 "Person." Includes a corporation, partnership, limited
7 liability company, business trust, other association, estate,
8 trust, foundation or individual. The term does not include the
9 Commonwealth, a political subdivision or an instrumentality of
10 the Commonwealth or a political subdivision.

11 "Political subdivision." A county, city, borough,
12 incorporated town, township, school district, vocational school
13 district or county institution district.

14 "Service provider." A person providing services for a
15 commercial property under a snow removal and ice control
16 services contract.

17 "Service receiver." A person receiving services for a
18 commercial property under a snow removal and ice control
19 services contract.

20 "Snow removal and ice control services contract." A contract
21 or agreement for the performance of any of the following:

22 (1) Plowing, shoveling, relocating or other removal of
23 snow or other mixed precipitation from a surface.

24 (2) De-icing services.

25 (3) A service incidental to an activity under paragraph
26 (1) or (2), including operating or otherwise moving snow
27 removal or de-icing equipment or materials.

28 Section 3. Certain indemnity agreements void.

29 A provision, clause, covenant or agreement that is part of or
30 in connection with a snow removal and ice control services

1 contract is against public policy and void if it requires, or
2 has the effect of requiring, a service provider to:

3 (1) indemnify a service receiver for damages resulting
4 from the acts or omissions of the service receiver or the
5 service receiver's agents or employees; or

6 (2) defend a service receiver against any tort liability
7 for damages resulting from the acts or omissions of the
8 service receiver or the service receiver's agents or
9 employees.

10 Section 4. Applicability.

11 The following shall apply:

12 (1) This act shall apply to snow removal and ice control
13 services contracts entered into on or after the effective
14 date of this act.

15 (2) This act shall not apply to an insurance policy, a
16 surety bond or workers' compensation.

17 (3) This act shall not affect any immunities or
18 affirmative defenses arising under other law.

19 Section 5. Effective date.

20 This act shall take effect immediately.