



General Assembly

January Session, 2019

Raised Bill No. 7288

LCO No. 5115



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

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
14 related to a snow removal and ice control services contract is against
15 public policy and void if it requires, or has the effect of requiring: (1) A

16 service provider to indemnify a service receiver for damages resulting
17 from the acts or omissions of the service receiver or the service
18 receiver's agents or employees, (2) a service receiver to indemnify a
19 service provider for damages resulting from the acts or omissions of
20 the service provider or the service provider's agents or employees, (3) a
21 service provider to hold a service receiver harmless from any tort
22 liability for damages resulting from the acts or omissions of the service
23 receiver or the service receiver's agents or employees, (4) a service
24 receiver to hold a service provider harmless from any tort liability for
25 damages resulting from the acts or omissions of the service provider or
26 the service provider's agents or employees, (5) a service provider to
27 defend a service receiver against any tort liability for damages
28 resulting from the acts or omissions of the service receiver or the
29 service receiver's agents or employees, or (6) a service receiver to
30 defend a service provider against any tort liability for damages
31 resulting from the acts or omissions of the service provider or the
32 service provider's agents or employees.

33 (c) The provisions of this section shall not apply to snow removal
34 and ice control services contracts to be performed on municipal or
35 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 Purpose:

To promote fairness in snow removal and ice control services contracts.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]