



Sen. Chris Nybo

Filed: 2/26/2016

09900SB2138sam001

LRB099 12553 HEP 45413 a

1 AMENDMENT TO SENATE BILL 2138

2 AMENDMENT NO. _____. Amend Senate Bill 2138 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Snow
5 Removal Service Liability Limitation Act.

6 Section 5. Definitions. In this Act:

7 "Service provider" means a person providing services under
8 a snow removal and ice control services contract.

9 "Service receiver" means a person receiving services under
10 a snow removal and ice control services contract.

11 "Snow removal and ice control services contract" means a
12 contract or agreement for the performance of any of the
13 following:

14 (1) plowing, shoveling, or other removal of snow or
15 other mixed precipitation from a surface;

16 (2) de-icing services; or

1 (3) a service incidental to an activity described in
2 item (1) or (2), including operating or otherwise moving
3 snow removal or de-icing equipment or materials.

4 Section 10. Certain indemnity agreements void. A
5 provision, clause, covenant, or agreement that is part of or in
6 connection with a snow removal and ice control services
7 contract is against public policy and void if it does any of
8 the following:

9 (1) Requires, or has the effect of requiring, a service
10 provider to indemnify a service receiver for damages
11 resulting from the acts or omissions of the service
12 receiver or the service receiver's agents or employees.

13 (2) Requires, or has the effect of requiring, a service
14 provider to hold a service receiver harmless from any tort
15 liability for damages resulting from the acts or omissions
16 of the service receiver or the service receiver's agents or
17 employees.

18 (3) Requires, or has the effect of requiring, a service
19 provider to defend a service receiver against any tort
20 liability for damages resulting from the acts or omissions
21 of the service receiver or the service receiver's agents or
22 employees.

23 Section 15. Applicability.

24 (a) This Act applies to snow removal and ice control

1 services in existence as well as entered into on and after the
2 effective date of this Act.

3 (b) This Act does not apply to an insurance policy, a
4 surety bond, or workers' compensation.

5 (c) This Act does not affect any immunities or affirmative
6 defenses arising under other law.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".