

SENATE No. 1052

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to snow removal service liability limitation.

PETITION OF:

NAME:

Bruce E. Tarr

DISTRICT/ADDRESS:

First Essex and Middlesex

SENATE No. 1052

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1052) of Bruce E. Tarr for legislation relative to snow removal service liability limitation. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to snow removal service liability limitation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 149 of the General Laws is hereby amended by inserting after
2 Section 29C, the following new section:-

3 Section 29C1/2. A provision, clause, covenant, or agreement that is part of or in
4 connection with a snow removal and ice control services contract is against public policy and
5 void if it does any of the following: (1) requires, or has the effect of requiring, a service provider
6 to indemnify a service receiver for damages resulting from the acts or omissions of the service
7 receiver or the service receiver's agents or employees; (2) requires, or has the effect of requiring,
8 a service receiver to indemnify a service provider for damages resulting from the acts or
9 omissions of the service provider or the service provider's agents or employees; (3) requires, or
10 has the effect of requiring, a service provider to hold a service receiver harmless from any tort
11 liability for damages resulting from the acts or omissions of the service receiver or the service
12 receiver's agents or employees; (4) Requires, or has the effect of requiring, a service receiver to

13 hold a service provider harmless from any tort liability for damages resulting from the acts or
14 omissions of the service provider or the service provider's agents or employees.

15 SECTION 2. As used in this section, the following terms shall have the following
16 meanings:-

17 "Service provider", a person providing services under a snow removal and ice control
18 services contract.

19 "Service receiver", a person receiving services under a snow removal and ice control
20 services contract.

21 "Snow removal and ice control services contract", a contract or agreement for the
22 performance of any of the following: (1) plowing, shoveling, or other removal of snow or other
23 mixed precipitation from a surface; (2) de-icing services; or (3) a service incidental to an activity
24 described in item (1) or (2), including operating or otherwise moving snow removal or de-icing
25 equipment or materials.