SENATE No. 1249

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:	DISTRICT/ADDRESS:	
Bruce E. Tarr	First Essex and Middlesex	
Joanne M. Comerford	Hampshire, Franklin and Worcester	
Michael D. Brady	Second Plymouth and Bristol	3/1/2021
James B. Eldridge	Middlesex and Worcester	3/4/2021

SENATE No. 1249

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1249) of Bruce E. Tarr, Joanne M. Comerford, Michael D. Brady and James B. Eldridge for legislation relative to snow removal service liability limitation. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION SEE SENATE, NO. 1116 OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court (2021-2022)

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 Chapter 149 of the General Laws, as appearing in the 2018 Official Edition, is hereby
- 2 amended by inserting after Section 29C, the following new section:-
- 3 Section 29C1/2. (a) As used in this section, the following terms shall have the following
- 4 meanings:-
- 5 "Service provider", a person providing services under a snow removal and ice control
- 6 services contract.
- 7 "Service receiver", a person receiving services under a snow removal and ice control
- 8 services contract.

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

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