

2017 -- S 0713

=====
LC001440
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

—————
A N A C T

RELATING TO INSURANCE - SNOW REMOVAL SERVICE LIABILITY LIMITATION
ACT

Introduced By: Senator Michael J. McCaffrey

Date Introduced: April 04, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 27 of the General Laws entitled "Insurance" is hereby amended by
2 adding the following chapter thereto:

3 CHAPTER 83

4 SNOW REMOVAL SERVICE LIABILITY LIMITATIONS ACT

5 **27-83-1. Short title.**

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

8 **27-83-2. Definitions.**

9 When used in this chapter:

10 (1) "Service provider" means a person providing services under a snow removal and ice
11 control services contract.

12 (2) "Service receiver" means a person receiving services under a snow removal and ice
13 control services contract.

14 (3) "Snow removal and ice control services contract" means a contract or agreement for
15 the performance of any of the following:

16 (i) Plowing, shoveling, or other removal of snow or other mixed precipitation from a
17 service;

18 (ii) De-icing services; or

1 (iii) Service incidental to an activity described in subsection (3)(i) or 3(ii) of this section,
2 including operation or otherwise moving snow removal or de-icing equipment, or materials.

3 **27-83-3. Certain indemnity agreements void.**

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

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

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

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

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

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

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

25 **27-83-4. Applicability.**

26 (1) This chapter applies to snow removal and ice control services contracts entered into
27 on and after the effective date of this chapter.

28 (2) This chapter does not apply to contracts for snow removal or ice control services on
29 public roads or with public bodies.

30 (3) This chapter does not apply to contracts for snow removal or ice control services with
31 a public utility.

32 (4) This chapter does not affect any liabilities, immunities, or affirmative defenses arising
33 under other law.

34

1 SECTION 2. This act shall take effect upon passage.

=====
LC001440
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO INSURANCE - SNOW REMOVAL SERVICE LIABILITY LIMITATION
ACT

1 This act would regulate snow removal contracts between service providers and service
2 receivers and limit liability between them and declare certain indemnity agreements void as
3 against public policy.

4 This act shall take place upon passage.

=====
LC001440
=====