

7282

I N S E N A T E

April 12, 2016

Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to making certain agreements in snow removal and ice control services void and unenforceable

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 5-101 of the general obligations law is amended by
2 adding three new subdivisions 5, 6 and 7 to read as follows:
3 5. AS USED IN SECTION 5-319 OF THIS ARTICLE, THE TERM "SERVICE PROVID-
4 ER" MEANS ANY PERSON OR ENTITY WHICH PROVIDES SERVICES PURSUANT TO A
5 SNOW REMOVAL AND ICE CONTROL SERVICES CONTRACT.
6 6. AS USED IN SECTION 5-319 OF THIS ARTICLE, THE TERM "SERVICE RECEIV-
7 ER" MEANS ANY PERSON OR ENTITY WHICH RECEIVES SERVICES PURSUANT TO A
8 SNOW REMOVAL AND ICE CONTROL SERVICES CONTRACT.
9 7. AS USED IN SECTION 5-319 OF THIS ARTICLE, THE TERM "SNOW REMOVAL
10 AND ICE CONTROL SERVICES CONTRACT" MEANS A CONTRACT OR AGREEMENT WHICH
11 PROVIDES FOR THE PERFORMANCE OF ANY OF THE FOLLOWING:
12 A. PLOWING, SHOVELING, OR OTHER REMOVAL OF SNOW OR OTHER MIXED PRECIP-
13 ITATION FROM A SURFACE;
14 B. DE-ICING SERVICES;
15 C. ANY SERVICE INCIDENTAL TO A SERVICE DESCRIBED IN PARAGRAPH A OR B
16 OF THIS SUBDIVISION, INCLUDING THE OPERATING OR MOVING OF SNOW REMOVAL
17 OR DE-ICING EQUIPMENT OR MATERIALS.
18 S 2. The general obligations law is amended by adding a new section
19 5-319 to read as follows:
20 S 5-319. AGREEMENTS REQUIRING SNOW REMOVAL AND ICE CONTROL SERVICE
21 PROVIDERS TO INDEMNIFY SERVICE RECEIVERS FOR NEGLIGENCE VOID AND UNEN-
22 FORCEABLE. EVERY COVENANT, AGREEMENT OR UNDERSTANDING IN OR IN
23 CONNECTION WITH OR COLLATERAL TO ANY SNOW REMOVAL AND ICE CONTROL
24 SERVICES CONTRACT, WHICH PROVIDES ANY OF THE FOLLOWING, SHALL BE DEEMED
25 TO BE VOID AS AGAINST PUBLIC POLICY AND WHOLLY UNENFORCEABLE:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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- 1 1. REQUIRES OR HAS THE EFFECT OF REQUIRING A SERVICE PROVIDER TO
2 INDEMNIFY A SERVICE RECEIVER FOR DAMAGES RESULTING FROM THE ACTS OR
3 OMISSIONS OF SUCH SERVICE RECEIVER, OR ITS EMPLOYEES OR AGENTS;
4 2. REQUIRES OR HAS THE EFFECT OF REQUIRING A SERVICE PROVIDER TO HOLD
5 A SERVICE RECEIVER HARMLESS FROM ANY TORT LIABILITY FOR DAMAGES RESULT-
6 ING FROM THE ACTS OR OMISSIONS OF SUCH SERVICE RECEIVER, OR ITS EMPLOY-
7 EES OR AGENTS; OR
8 3. REQUIRES OR HAS THE EFFECT OF REQUIRING A SERVICE PROVIDER TO
9 DEFEND A SERVICE RECEIVER AGAINST ANY TORT LIABILITY FOR DAMAGES RESULT-
10 ING FROM THE ACTS OR OMISSIONS OF SUCH SERVICE RECEIVER, OR ITS EMPLOY-
11 EES OR AGENTS.
12 S 3. This act shall take effect immediately.