S T A T E O F N E W Y O R K

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:

Section 1. Section 5-101 of the general obligations law is amended by adding three new subdivisions 5, 6 and 7 to read as follows:

5. AS USED IN SECTION 5-319 OF THIS ARTICLE, THE TERM "SERVICE PROVIDER" MEANS ANY PERSON OR ENTITY WHICH PROVIDES SERVICES PURSUANT TO A SNOW REMOVAL AND ICE CONTROL SERVICES CONTRACT.

6. AS USED IN SECTION 5-319 OF THIS ARTICLE, THE TERM "SERVICE RECEIVER" MEANS ANY PERSON OR ENTITY WHICH RECEIVES SERVICES PURSUANT TO A SNOW REMOVAL AND ICE CONTROL SERVICES CONTRACT.

7. AS USED IN SECTION 5-319 OF THIS ARTICLE, THE TERM "SNOW REMOVAL AND ICE CONTROL SERVICES CONTRACT" MEANS A CONTRACT OR AGREEMENT WHICH PROVIDES FOR THE PERFORMANCE OF ANY OF THE FOLLOWING:

A. PLOWING, SHOVELING, OR OTHER REMOVAL OF SNOW OR OTHER MIXED PRECIPITATION FROM A SURFACE;

B. DE-ICING SERVICES;

C. ANY SERVICE INCIDENTAL TO A SERVICE DESCRIBED IN PARAGRAPH A OR B OF THIS SUBDIVISION, INCLUDING THE OPERATING OR MOVING OF SNOW REMOVAL OR DE-ICING EQUIPMENT OR MATERIALS.

S 2. The general obligations law is amended by adding a new section 5-319 to read as follows:

S 5-319. AGREEMENTS REQUIRING SNOW REMOVAL AND ICE CONTROL SERVICE PROVIDERS TO INDEMNIFY SERVICE RECEIVERS FOR NEGLIGENCE VOID AND UNENFORCEABLE. EVERY COVENANT, AGREEMENT OR UNDERSTANDING IN OR IN CONNECTION WITH OR COLLATERAL TO ANY SNOW REMOVAL AND ICE CONTROL SERVICES CONTRACT, WHICH PROVIDES ANY OF THE FOLLOWING, SHALL BE DEEMED 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. REQUIRES OR HAS THE EFFECT OF REQUIRING A SERVICE PROVIDER TO INDEMNIFY A SERVICE RECEIVER FOR DAMAGES RESULTING FROM THE ACTS OR OMISSIONS OF SUCH SERVICE RECEIVER, OR ITS EMPLOYEES OR AGENTS;

2. 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 SUCH SERVICE RECEIVER, OR ITS EMPLOYEES OR AGENTS; OR

3. REQUIRES OR HAS THE EFFECT OF REQUIRING A SERVICE PROVIDER TO DEFEND A SERVICE RECEIVER AGAINST ANY TORT LIABILITY FOR DAMAGES RESULTING FROM THE ACTS OR OMISSIONS OF SUCH SERVICE RECEIVER, OR ITS EMPLOYEES OR AGENTS.

S 3. This act shall take effect immediately.