

RELATING TO INDEMNIFICATION AGREEMENTS
Act of Jul. 9, 1970, P.L. 484, No. 164
AN ACT

Cl. 68

Relating to indemnification agreements between architects, engineers or surveyors and owners, contractors, subcontractors or suppliers and indemnification agreements relating to snow removal or ice control services. (Title amended July 11, 2022, P.L.751, No.68)

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Every covenant, agreement or understanding in, or in connection with any contract or agreement made and entered into by owners, contractors, subcontractors or suppliers whereby an architect, engineer, surveyor or his agents, servants or employes shall be indemnified or held harmless for damages, claims, losses or expenses including attorneys' fees arising out of: (1) the preparation or approval by an architect, engineer, surveyor or his agents, servants, employes or invitees of maps, drawings, opinions, reports, surveys, change orders, designs or specifications, or (2) the giving of or the failure to give directions or instructions by the architect, engineer, surveyor or his agents, servants or employes provided such giving or failure to give is the primary cause of the damage, claim, loss or expense, shall be void as against public policy and wholly unenforceable.

Section 1.1. The following apply to snow removal or ice control services:

(1) In a snow removal or ice control services contract between a provider and a receiver, any provision in the contract which provides that the receiver shall be indemnified, held harmless or insured by the provider from damages, claims, losses or expenses arising out of bodily injury to persons, damage to property or economic damage caused by or resulting from the receiver's negligences, in whole or in part, shall be void if the provider has been affirmatively directed not to perform the snow removal or ice control services by the receiver.

(2) As used in this section, the term "snow removal or ice control services contract" means a contract or agreement for the performance of, or incidental to, any plowing of snow, relocation of snow or other removal of snow or mixed precipitation from a surface or deicing services. The term includes moving snow removal or deicing equipment or materials.

(3) For the purposes of this section, a provider of snow removal or ice control services shall include agents and employees of the provider.

(1.1 added July 11, 2022, P.L.751, No.68)

Section 2. This act shall take effect in sixty days.