
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1665 Session of
2021

INTRODUCED BY QUINN, ZIMMERMAN, MALAGARI, THOMAS, POLINCHOCK,
STEPHENS AND SCHROEDER, JUNE 21, 2021

REFERRED TO COMMITTEE ON INSURANCE, JUNE 21, 2021

AN ACT

1 Providing for enforceability of certain indemnity provisions in
2 certain snow removal and ice control services contracts
3 relating to commercial property.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Commercial
8 Property Snow Removal and Ice Control Services Contract
9 Liability Limitation Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Commercial property." A property or portion of a property
15 that is used, occupied or is intended, arranged or designed to
16 be used or occupied for the purpose of operating a business, an
17 office, a manufacturing facility or a public accommodation. The
18 term includes any of the following:

1 (1) All or part of a building, structure or facility on
2 the property or portion of the property.

3 (2) A residential development operating under a
4 homeowners' association for the maintenance of the property
5 or portion of the property.

6 (3) An apartment complex consisting of five or more
7 residential dwelling units.

8 "Person." Includes a corporation, partnership, limited
9 liability company, business trust, other association, estate,
10 trust, foundation or individual. The term does not include the
11 Commonwealth, a political subdivision or an instrumentality of
12 the Commonwealth or a political subdivision.

13 "Service provider." A person providing services for a
14 commercial property under a snow removal and ice control
15 services contract.

16 "Service receiver." A person receiving services for a
17 commercial property under a snow removal and ice control
18 services contract.

19 "Snow removal and ice control services contract." A contract
20 or agreement for the performance of any of the following:

21 (1) Plowing, shoveling, relocating or other removal of
22 snow or other mixed precipitation from a surface.

23 (2) De-icing services.

24 (3) A service incidental to an activity under paragraph
25 (1) or (2), including operating or otherwise moving snow
26 removal or de-icing equipment or materials.

27 Section 3. Certain indemnity agreements void.

28 A provision, clause, covenant or agreement that is part of or
29 in connection with a snow removal and ice control services
30 contract is against public policy and void if the provision,

1 clause, covenant or agreement requires, or has the effect of
2 requiring, a service provider to:

3 (1) indemnify a service receiver for damages resulting
4 from the acts or omissions of the service receiver or the
5 service receiver's agents or employees; or

6 (2) defend a service receiver against tort liability for
7 damages resulting from the acts or omissions of the service
8 receiver or the service receiver's agents or employees.

9 Section 4. Applicability.

10 The provisions of this act:

11 (1) Shall apply to snow removal and ice control services
12 contracts entered into on or after the effective date of this
13 section.

14 (2) Shall not apply to an insurance policy, a surety
15 bond or workers' compensation.

16 Section 5. Construction.

17 Nothing in this act shall be construed to affect an immunity
18 or affirmative defense arising under other law.

19 Section 6. Effective date.

20 This act shall take effect immediately.