

SENATE BILL No. 263

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4-21.

Synopsis: Snow removal services contracts. Provides that any provision in certain contracts for snow removal services that purports to release: (1) a person that performs snow removal services; or (2) a person that contracts for snow removal services; from liability for negligence, recklessness, or intentional acts is void as against public policy.

Effective: July 1, 2018.

Crider

January 3, 2018, read first time and referred to Committee on Civil Law.



Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE BILL No. 263

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-4-21 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]:

4 **Chapter 21. Snow Removal Contracts**

5 **Sec. 1. (a) This chapter applies only to a contract entered into,**
6 **extended, or renewed after June 30, 2018.**

7 **(b) This chapter does not apply to a contract for snow removal**
8 **services:**

9 (1) on public roads; or

10 (2) with a public utility, as defined in IC 8-1-2-1(a).

11 **(c) This chapter does not apply to:**

12 (1) insurance policies;

13 (2) surety bonds; or

14 (3) worker's compensation.

15 **(d) This chapter does not affect any liabilities, immunities, or**
16 **affirmative defenses arising under other law.**

17 **Sec. 2. The following definitions apply throughout this chapter:**



- 1 (1) "Consumer" means a person that contracts with an
- 2 operator for snow removal services.
- 3 (2) "Operator" means a person that performs or provides
- 4 snow removal services. The term includes an employee,
- 5 contractor, or agent of the operator.
- 6 (3) "Person" means an individual, a firm, an association, a
- 7 limited liability company, a partnership, a trust, a
- 8 corporation, or any other business entity.
- 9 (4) "Provision in a contract" means any provision or
- 10 agreement:
- 11 (A) in;
- 12 (B) collateral to; or
- 13 (C) otherwise affecting;
- 14 a contract.
- 15 (5) "Snow removal" includes:
- 16 (A) plowing, shoveling, or otherwise removing snow or
- 17 mixed precipitation from a surface;
- 18 (B) deicing and ice control services; and
- 19 (C) any service incidental to a service described in this
- 20 subdivision, including traveling to or from a location
- 21 where snow removal will be or has been performed and
- 22 transporting snow removal equipment and materials.
- 23 Sec. 3. A provision in a contract for snow removal services is
- 24 against public policy, void, and unenforceable if the provision
- 25 requires or has the effect of requiring:
- 26 (1) an operator to indemnify, hold harmless, or defend a
- 27 consumer from or against any liability for damages or loss
- 28 resulting from the acts or omissions of the consumer; or
- 29 (2) a consumer to indemnify, hold harmless, or defend an
- 30 operator from or against any liability for damages or loss
- 31 resulting from the acts or omissions of the operator.

