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BILL



ANALYSIS

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House Bill 5230 (Substitute H-2 as passed by the House)  
Sponsor: Representative Ken Yonker  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 8-29-16

### **CONTENT**

**The bill would create a new act to make unenforceable a requirement in a commercial snowplow and deicing services contract that a service provider indemnify, defend, or hold harmless the service receiver from liability for loss or damage resulting from the sole negligence or omission of the service receiver.**

Specifically, a provision, clause, covenant, or agreement contained in, collateral to, or affecting a commercial snowplow and deicing services contract that purported to require, or had the effect of requiring, a service provider to indemnify, defend, or hold harmless the service receiver from or against liability for loss or damage resulting from the sole negligence or omissions of the service receiver would be against the public policy of the State and would be void and unenforceable.

"Commercial snowplow and deicing services contract" would mean a contract, agreement, or understanding to which all of the following apply:

- The contract covers plowing, shoveling, or other removal of snow or mixed precipitation from a surface; deicing services; and/or a service incidental to those activities including driving or otherwise moving snowplow and deicing equipment and materials.
- The contract is between a service receiver and a service provider.
- The contract requires activities to be performed on real property where business is conducted, including a restaurant, bank, retail store, hotel, homeowners' association, condominium, and apartment complex.

The term would not include either of the following:

- A contract between a resident of a single-family home and a service provider that requires snow removal and deicing activities to be performed on single-family residential property.
- A contract between an owner or operator of an airport facility and a service provider.

"Service receiver" would mean the service receiver and any agents, employees, servants, or independent contractors who are directly or indirectly responsible to the service receiver.

The bill would take effect 90 days after its enactment and would apply to a commercial snowplow and deicing services contract entered into after the effective date.

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.