A bill to make certain indemnity contracts relating to snowplow and deicing services void and unenforceable.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. (1) A provision, clause, covenant, or agreement contained in, collateral to, or affecting a commercial snowplow and deicing services contract that purports to require a service provider to indemnify, defend, or hold harmless, or that has 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 negligence or omissions of the service receiver is against the public policy of this state and is void and unenforceable.

(2) As used in this act:

(a) "Commercial snowplow and deicing services contract" means,
subject to subdivision (b), a contract, agreement, or understanding to which all of the following apply:

(i) The contract covers any of the following:

(A) Plowing, shoveling, or other removing of snow or other mixed precipitation from a surface.

(B) Deicing services.

(C) A service incidental to activity described in subparagraph (A) or (B), including, but not limited to, driving or otherwise moving snowplow and deicing equipment and materials.

(ii) The contract is between a service receiver and a service provider.

(iii) The contract requires activities under subparagraph (i) to be performed on real property where business is conducted, including, but not limited to, a restaurant, bank, retail store, hotel, homeowner's association, condominium, and apartment complex.

(b) "Commercial snowplow and deicing services contract" does not include:

(i) A contract between a resident of a single-family home and a service provider that requires activities described in subdivision (a)(i) to be performed on single-family residential property.

(ii) A contract between an owner or operator of an airport facility and a service provider.

(c) "Service receiver" means the service receiver and any agents, employees, servants, or independent contractors who are directly or indirectly responsible to the service receiver.

Sec. 2. This act applies to a commercial snowplow and deicing
services contract entered into after September 30, 2015.

Enacting section 1. This act takes effect 90 days after the date it is enacted into law.