

**SUBSTITUTE FOR
HOUSE BILL NO. 5230**

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A provision, clause, covenant, or agreement
2 contained in, collateral to, or affecting a commercial snowplow and
3 deicing services contract that purports to require a service
4 provider to indemnify, defend, or hold harmless, or that has the
5 effect of requiring a service provider to indemnify, defend, or
6 hold harmless, the service receiver from or against liability for
7 loss or damage resulting from the negligence or omissions of the
8 service receiver is against the public policy of this state and is
9 void and unenforceable.

10 (2) As used in this act:

11 (a) "Commercial snowplow and deicing services contract" means,

1 subject to subdivision (b), a contract, agreement, or understanding
2 to which all of the following apply:

3 (i) The contract covers any of the following:

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

6 (B) Deicing services.

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

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

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

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

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

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

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

27 Sec. 2. This act applies to a commercial snowplow and deicing

1 services contract entered into after September 30, 2015.

2 Enacting section 1. This act takes effect 90 days after the

3 date it is enacted into law.