

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0703.01 Conrad Imel x2313

**SENATE BILL 18-062**

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**SENATE SPONSORSHIP**

**Moreno,**

**HOUSE SPONSORSHIP**

**Melton,**

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**Senate Committees**  
Judiciary

**House Committees**  
Judiciary

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**A BILL FOR AN ACT**

101 **CONCERNING LIABILITY LIMITS IN SNOW AND ICE REMOVAL**  
102 **CONTRACTS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill enacts the "Snow Removal Service Liability Limitation Act", which makes void provisions of snow removal agreements that require one party to indemnify the other party for damages, hold the other party harmless for damages, and provide for the defense of the other party in a liability lawsuit.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

SENATE  
3rd Reading Unamended  
March 1, 2018

SENATE  
2nd Reading Unamended  
February 27, 2018

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-21-129 as  
3 follows:

4 **13-21-129. Snow removal service liability limitation -**  
5 **exceptions - short title - definitions.** (1) THIS SECTION MAY BE CITED AS  
6 THE "SNOW REMOVAL SERVICE LIABILITY LIMITATION ACT".

7 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
8 REQUIRES:

9 (a) "PUBLIC UTILITY" HAS THE SAME MEANING AS SET FORTH IN  
10 SECTION 40-1-103.

11 (b) "SERVICE PROVIDER" MEANS A PERSON PROVIDING SERVICES  
12 UNDER A SNOW REMOVAL AND ICE CONTROL SERVICES CONTRACT.

13 (c) "SERVICE RECEIVER" MEANS A PERSON RECEIVING SERVICES  
14 UNDER A SNOW REMOVAL AND ICE CONTROL SERVICES CONTRACT.

15 (d) "SNOW REMOVAL AND ICE CONTROL SERVICES CONTRACT"  
16 MEANS A CONTRACT OR AGREEMENT FOR THE PERFORMANCE OF ANY OF  
17 THE FOLLOWING:

18 (I) PLOWING, SHOVELING, OR OTHER REMOVAL OF SNOW OR OTHER  
19 MIXED PRECIPITATION FROM A SURFACE;

20 (II) DEICING SERVICES; OR

21 (III) A SERVICE INCIDENTAL TO AN ACTIVITY DESCRIBED IN  
22 SUBSECTION (2)(d)(I) OR (2)(d)(II) OF THIS SECTION, INCLUDING  
23 OPERATING OR OTHERWISE MOVING SNOW REMOVAL OR DEICING  
24 EQUIPMENT OR MATERIALS.

25 (3) A PROVISION, CLAUSE, COVENANT, OR AGREEMENT THAT IS  
26 PART OF OR IN CONNECTION WITH A SNOW REMOVAL AND ICE CONTROL

1 SERVICES CONTRACT IS AGAINST PUBLIC POLICY AND VOID IF IT DOES ANY  
2 OF THE FOLLOWING IN THE INSTANCE WHERE THE SERVICE PROVIDER IS  
3 PROHIBITED, BY EXPRESS CONTRACT TERMS OR IN WRITING, FROM  
4 MITIGATING A SPECIFIC SNOW, ICE, OR OTHER MIXED PRECIPITATION EVENT  
5 OR RISK:

6 (a) REQUIRES, OR HAS THE EFFECT OF REQUIRING, A SERVICE  
7 PROVIDER TO INDEMNIFY A SERVICE RECEIVER FOR DAMAGES RESULTING  
8 FROM THE ACTS OR OMISSIONS OF THE SERVICE RECEIVER OR THE SERVICE  
9 RECEIVER'S AGENTS OR EMPLOYEES;

10 (b) REQUIRES, OR HAS THE EFFECT OF REQUIRING, A SERVICE  
11 RECEIVER TO INDEMNIFY A SERVICE PROVIDER FOR DAMAGES RESULTING  
12 FROM THE ACTS OR OMISSIONS OF THE SERVICE PROVIDER OR THE SERVICE  
13 PROVIDER'S AGENTS OR EMPLOYEES;

14 (c) REQUIRES, OR HAS THE EFFECT OF REQUIRING, A SERVICE  
15 PROVIDER TO HOLD A SERVICE RECEIVER HARMLESS FROM ANY TORT  
16 LIABILITY FOR DAMAGES RESULTING FROM THE ACTS OR OMISSIONS OF THE  
17 SERVICE RECEIVER OR THE SERVICE RECEIVER'S AGENTS OR EMPLOYEES;

18 (d) REQUIRES, OR HAS THE EFFECT OF REQUIRING, A SERVICE  
19 RECEIVER TO HOLD A SERVICE PROVIDER HARMLESS FROM ANY TORT  
20 LIABILITY FOR DAMAGES RESULTING FROM THE ACTS OR OMISSIONS OF THE  
21 SERVICE PROVIDER OR THE SERVICE PROVIDER'S AGENTS OR EMPLOYEES;

22 (e) REQUIRES, OR HAS THE EFFECT OF REQUIRING, A SERVICE  
23 PROVIDER TO DEFEND A SERVICE RECEIVER AGAINST ANY TORT LIABILITY  
24 FOR DAMAGES RESULTING FROM THE ACTS OR OMISSIONS OF THE SERVICE  
25 RECEIVER OR THE SERVICE RECEIVER'S AGENTS OR EMPLOYEES; OR

26 (f) REQUIRES, OR HAS THE EFFECT OF REQUIRING, A SERVICE  
27 RECEIVER TO DEFEND A SERVICE PROVIDER AGAINST ANY TORT LIABILITY

1 FOR DAMAGES RESULTING FROM THE ACTS OR OMISSIONS OF THE SERVICE  
2 PROVIDER OR THE SERVICE PROVIDER'S AGENTS OR EMPLOYEES.

3 (4) THIS SECTION DOES NOT APPLY TO THE FOLLOWING:

4 (a) CONTRACTS FOR SNOW REMOVAL OR ICE CONTROL SERVICES ON  
5 PUBLIC ROADS OR WITH PUBLIC BODIES;

6 (b) CONTRACTS FOR SNOW REMOVAL OR ICE CONTROL SERVICES  
7 WITH A PUBLIC UTILITY;

8 (c) DEICING SERVICES OR ICE CONTROL SERVICES PROVIDED AT A  
9 MUNICIPAL OR COUNTY AIRPORT, AN AIRPORT UNDER THE JURISDICTION OF  
10 A PUBLIC AIRPORT AUTHORITY CREATED UNDER THE PROVISIONS OF  
11 ARTICLE 3 OF TITLE 41, OR ANY OTHER PUBLIC AIRPORT, INCLUDING  
12 CONTRACTS FOR SERVICES PROVIDED TO COMMERCIAL PASSENGER AND  
13 CARGO AIRLINES AT SUCH AIRPORTS; OR

14 (d) AN INSURANCE POLICY, AS SURETY BOND, OR WORKERS'  
15 COMPENSATION.

16 (5) THIS SECTION DOES NOT AFFECT ANY LIABILITIES, IMMUNITIES,  
17 OR AFFIRMATIVE DEFENSES ARISING UNDER OTHER LAW.

18 **SECTION 2. Act subject to petition - effective date -**  
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
20 the expiration of the ninety-day period after final adjournment of the  
21 general assembly (August 8, 2018, if adjournment sine die is on May 9,  
22 2018); except that, if a referendum petition is filed pursuant to section 1  
23 (3) of article V of the state constitution against this act or an item, section,  
24 or part of this act within such period, then the act, item, section, or part  
25 will not take effect unless approved by the people at the general election  
26 to be held in November 2018 and, in such case, will take effect on the  
27 date of the official declaration of the vote thereon by the governor.

- 1           (2) This act applies to snow removal and ice control services
- 2   contracts entered into on or after the applicable effective date of this act.