

# Safety Zone: Snow Removal Service: Limited Liability Acts

Regulations in several states require involvement on the property owner's part in oversight, handling, and documentation of snow removal activities. Through proper precautions and documentation, property owners can take a greater role to help protect themselves from potential winter season liabilities.

## Keeping Proper Records and Documentation for the Winter Season

In the event of a future claim or allegation of incident or injury on your property, information is necessary to show due diligence, the activities performed, precautions taken, and efforts you took. Do not rely on memory, as incidents can be reported many years later.

Both snow removal/treatment and documentation of those operations must be prompt and consistent.



## Using Contractors or Other Services for Snow Removal

Where contractors or others are utilized, they may use their own logs, forms, or apps to track their efforts. GPS tracking of plow vehicles should be supplemented with documentation of changing conditions, issues, handwork and notes of owner performed work. Additional treatments by the owner or others should be recorded and maintained on a log.

The use of accredited or certified snow removal contractors is highly recommended. Contractors that adhere to written industry standards based on ANSI National Standards will have an education program and maintain consistent practices and documentation.

If you use a contractor, and your agreement has a trigger depth for a contractor to start work, you are responsible for duty to care until that depth is reached. You must document your efforts to maintain your property until the contractor's responsibility triggers. Additionally, local on-site accumulations may exceed depth in other areas, so written notification should be made to the contractor (date, time, number called and who took the call).

## Documentation Needed

Certificates of Insurance for Workers' Compensation, Liability and Automobile Insurance, with proper limits of coverage, must be obtained from all contractors and kept on file. Additionally, contracts or agreements with hold harmless and indemnification agreements in your favor should be utilized. Legal counsel should review all contracts and agreements for approval for your specific situation.

## Documentation should include, but is not limited to:

- 1. Snow & Ice Crew Arrival and Departure, Quantities of material applied**
- 2. Conditions at the Property:** Record the conditions at the start and any changes that occur prior to leaving: day and date, snow depth, whether it is currently snowing, windy and visible conditions of the sky.
- 3. Services Performed:** Crew/persons and equipment operating on the property and any contractors' company names or subcontractors.
- 4. Areas Serviced or Not Serviced:** Parked vehicles can obstruct snow and ice removal. Re-inspections are necessary to complete the work and/or notify your snow removal contractor to return. Additionally, check areas for melting where refreezing can or has created black ice or ice and require further treatment or retreatment.
- 5. Incidents Occurred:** If any incidents do happen, document them immediately following company policy and report to AmTrust Claims.
- 6. Critical Communications and Contact Information:** Write down all important communications between the owner or representative, contractors/subcontractors, and/or anyone alleging an incident. Include names, titles, phone numbers, and the information that was communicated. Keep track of when the contractor was called and who took down the message.

Documentation is critical and beneficial to showing reasonable care was taken, defending against alleged incidents, and improving your policies and procedures.

## Limitations of Snow Removal Service Liability Limitation Acts

A few states have recently enacted Snow Removal Service Liability Limitation Acts. These regulations may limit the transfer of risk from a property owner to another party. That increases the importance of fair and equitable contracts, reviewed and approved by your attorney. These regulations also require more responsibility on the part of the property owner for snow and ice treatment or removal and keeping good records. Owners should document all work done by themselves, employees, volunteers, or anyone else other than hired contractors. Contractors are responsible for their own records, but owners should record all concerns, issues, work not performed, or not properly or adequately performed, and all communications with contractors.

For additional information and resources on this topic and other safety and risk management subjects, be sure to visit the [Loss Control](#) section on our website.

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