



AmTrust North America
An AmTrust Financial Company

Safety Zone

Snow Removal Service: Limited Liability Acts

New regulations in several states require more involvement on the part of the property owner in oversight, handling and documentation of snow removal activities. Sounds big and scary, and it is a slippery slope, but by taking a greater role through proper precautions and documentation, property owners can 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 that were performed, precautions taken, and efforts that 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 owner or others should be recorded and maintained on a log.

DOWNLOAD OUR SNOW AND ICE TREATMENT AND REMOVAL LOG

DOWNLOAD



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 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 documented 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. All contracts and agreements should be reviewed by legal counsel 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 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 company names of any contractors, 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 it 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, as well as 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 new 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.



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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:

<https://www.amtrustgroup.com/small-business-insurance/claims/prevention>

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AmTrust Policyholders have access to many Loss Control Services, including [on-demand videos](#), such as:



Working Safely with Snow Plows

This video illustrates the multitude of hidden hazards faced by snow removal vehicle operators. From initial preparation to after-work shutdowns, safe operating procedures are itemized and - [Read more](#) >

2009 / 18 min / SKU: 2632



Winter Walking - Staying on your Feet

Winter walking is a seasonal safety issue which is usually limited to several months. But during these months thousands of serious injuries happen. The personal and financial impacts of a - [Read more](#) >

2013 / 10 min / SKU: 3074 + 3074-S



Driving in Extreme Weather Conditions

Driving in Extreme Weather Conditions program will reinforce safety practices when you drive and work in extreme weather conditions. It teaches employees to drive slowly and cautiously and to - [Read more](#) >

2011 / 15 min / SKU: 2778



Walking Safety in Icy Conditions

There's a good chance your employees will find themselves walking on icy surfaces at one point or another. Even a small piece of ice can be dangerous. Many people die each year from hitting - [Read more](#) >

2017 / 15 min / SKU: 3512



Walking Safety in Icy Conditions - Concise

There's a good chance your employees will find themselves walking on icy surfaces at one point or another. Even a small piece of ice can be dangerous. Many people die each year from hitting - [Read more](#) >

2017 / 8 min / SKU: 3513



Defensive Driving: When Good Weather Goes Bad

When unpredictable and bad weather hits, it often brings different dangers and hazards to your everyday driving conditions. In this film we discuss the dangers, preventative measures, and safety - [Read more](#) >

2009 / 19 min / SKU: 2540



Winter Safety

Over the years employers have discovered that their employees miss more time from work as a result of off-the-job accidents than due to injuries experienced on the job. Many of these accidents - [Read more](#) >

2009 / 16 min / SKU: 2630



Driving Safely in the Hazards of Winter

This video covers how bad weather can influence a professional driver's ability to drive safely and defensively. It shows drivers how to prepare for a number of weather conditions, and how to - [Read more](#) >

2009 / 11 min / SKU: 2633



Winter Walking: Safe Walking in Hazardous Conditions

Walking seems easy enough, right? In certain conditions like snow, rain and ice extra precaution must be taken. Nobody likes to fall and you are the only one who can prevent yourself from - [Read more](#) >

2014 / 8 min / SKU: 3102 + 3102-S



Property Management Safety - Employee Slips and Falls

Property management company employees work in many types of varied environments. Inside, outside, rain, snow, and wet floors are just a few of the many slip hazards they face. This training - [Read more](#) >

2015 / 10 min / SKU: 3242 + 3242-S



Skid Steer Safety

Whether you're excavating at a job site, tending livestock, laboring indoors, or removing snow, the compact design and versatility of a skid-loader can undermine how dangerous this equipment is - [Read more](#) >

2013 / 15 min / SKU: 2967 + 2967-S

Snow and Ice Treatment and Removal Log

Location: _____ Name: _____

Date: _____ Time In: _____ Time Out: _____

Conditions: _____

Temperature: _____ Precipitation: Snow Sleet Rain Freezing Rain

Snow Depth at Start: _____

Ice accumulation at Start? _____

Describe Wind: _____

Areas Cleared/Treated _____

- | | |
|---|--|
| <input type="checkbox"/> Plowing _____ | <input type="checkbox"/> Slow Blower _____ |
| <input type="checkbox"/> De-icing _____ | <input type="checkbox"/> Sand _____ |
| <input type="checkbox"/> Anti-Icing _____ | <input type="checkbox"/> Sweeping _____ |
| <input type="checkbox"/> Snow Removal _____ | <input type="checkbox"/> Other _____ |

Areas Obstructed, Inaccessible, etc., Not Cleared/Treated and Why: _____

Equipment and persons doing Treatment: _____

Note and comments ALL unusual conditions: _____

Name and title of owner, owner's representative(s), and what notification or communication provided: _____

Describe any communication with residents, tenants, or others: _____

Reinspections for black ice, melting/refreezing, windblown drifts, vehicles or obstructions removed*: _____

*Notify contractor additional work is needed.