



HOUSE BILL 118: COVID-19 Liab. Safe Harbor.

2019-2020 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 16, 2020
Introduced by:	Reps. Warren, Corbin, D. Hall, Potts	Prepared by:	Bill Patterson
Analysis of:	Sixth Edition		Staff Attorney

OVERVIEW: *House Bill 118 would for a limited time, in claims arising from contraction of COVID-19, provide immunity from liability for any act or omission not amounting to gross negligence, willful or wanton conduct, or intentional wrongdoing.*

The bill would also require persons to provide reasonable notice of actions taken by them to prevent COVID-19 on premises owned by them or under their control, except for premises owned by an individual that are not used in operating a sole proprietorship.

BILL ANALYSIS: **Section 1** of the bill would provide that in any claim arising from acts or omissions alleged to have resulted in contraction of COVID-19, no person would be liable for any act or omission that does not amount to gross negligence, willful or wanton conduct, or intentional wrongdoing.

Persons would be required to provide reasonable notice of actions taken to reduce the risk of COVID-19 transmission on premises owned by them or in their possession, custody or control, except for premises owned by an individual that are not used in the operation of a sole proprietorship.

No one would be liable for any individual's failure to comply with rules, policies or guidelines contained in a notice required under the act.

The new Article would apply to claims arising no later than 180 days after the expiration or rescission of Executive Order No. 116, issued on March 10, 2020. It would not apply to workers compensation claims.

Section 2 of the bill provides that nothing in this act affects any immunity provided under Session Law 2020-3 (Senate Bill 704).

EFFECTIVE DATE: The act is effective when it becomes law and applies to claims arising on or after that date.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578