



HOUSE BILL 118: COVID-19 Liability Safe Harbor.

2019-2020 General Assembly

Committee:		Date:	October 16, 2020
Introduced by:		Prepared by:	Bill Patterson Staff Attorney
Analysis of:	S.L. 2020-89		

OVERVIEW: *S.L. 2020-89 provides that no person is liable for any act or omission not amounting to gross negligence, willful or wanton conduct, or intentional wrongdoing in a claim alleging damages resulting from contraction of COVID-19. This immunity does not apply to workers' compensation claims or to any claims arising later than 180 days after the expiration or rescission of Executive Order No. 116, issued on March 10, 2020.*

The act requires all persons, with respect to premises owned by them or under their possession, custody, or control, to provide reasonable notice of actions taken by them to reduce the risk of COVID-19 transmission to individuals present on the premises. No person is liable for the failure of any individual to comply with rules, policies, or guidelines contained in a required notice. The notice requirement does not apply to premises owned by an individual that are not used in operating a sole proprietorship.

The act does not affect any immunity granted under S.L. 2020-3 (Senate Bill 704).

The act became effective on July 2, 2020 and applies to claims arising on or after that date.

BILL ANALYSIS: Section 1 of the act provides that in any claim arising from acts or omissions alleged to have resulted in contraction of COVID-19, no person¹ is liable for any act or omission that does not amount to gross negligence, willful or wanton conduct, or intentional wrongdoing.

The immunity provided under the act applies to claims arising no later than 180 days after the expiration or rescission of Executive Order No. 116, issued on March 10, 2020, and does not apply to workers compensation claims.

The act requires all persons to provide, with respect to premises owned by them or under their possession, custody, or control, reasonable notice of actions taken by them to reduce the risk of COVID-19 transmission to individuals present on the premises. The notice requirement does not apply to premises owned by an individual unless the premises are used in the operation of a sole proprietorship. The act also provides that no person is liable for any individual's failure to comply with rules, policies or guidelines contained in a notice required under the act.

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

EFFECTIVE DATE: *The act became effective on July 2, 2020 and applies to claims arising on or after that date.*

¹ As used in this section, "person" is defined broadly as "[a]n individual; corporation; nonprofit corporation; business trust; estate; trust; partnership; limited liability company; sole proprietorship; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal entity."

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