

Department of Planning and Budget
2020 Special Session I - Fiscal Impact Statement

1. Bill Number: SB5067 S1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Saslaw

3. Committee: Judiciary

4. Title: Immunity from civil claims related to the transmission of or exposure to the COVID-19 virus.

5. Summary: The substitute bill grants immunity, in the absence of gross negligence or willful misconduct, with respect to the premise at issue, to persons from civil causes of action arising from any act or omission alleged to have resulted in the contraction of or exposure to the COVID-19 virus. The substitute bill places the burden of proving entitlement to the immunity on the defendant.

The bill defines person as (i) individuals, corporations, nonprofit corporations, business trusts, estates, trusts, partnerships, limited liability companies, sole proprietorships, associations, and joint ventures; (ii) the Commonwealth or any locality, or any agent thereof, or any person acting on behalf of the Commonwealth or any locality; and (iii) any other legal or commercial entity.

The bill also requires every person to provide, with respect to any premises owned by the person or under the person's possession, custody, or control, reasonable notice of actions taken by the person for the purpose of reducing the risk of transmission of COVID-19 to individuals present on the premises. Under the provisions of the substitute bill, in the absence of gross negligence or willful misconduct, no person is liable for the failure of any individual not under the control of such person. The provisions of the substitute bill do not apply to premises owned by a natural person, other than premises that are used in the operation of a sole proprietorship.

The provisions of the substitute bill do not apply to claims before the Virginia Workers' Compensation Commission seeking benefits payable under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.) or to any appeals of such claims that must be subsequently adjudicated in a court..

The bill contains an emergency clause that makes the law effective from the date of its passage. Another enactment clause provides that the provisions of this act shall apply to claims arising no later than 180 days after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic.

6. Budget Amendment Necessary: No

- 7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.
- 8. Fiscal Implications:** This bill is not expected to have a fiscal impact on state agencies.
- 9. Specific Agency or Political Subdivisions Affected:** Treasury (Risk Management), Virginia Workers' Compensation Commission, localities
- 10. Technical Amendment Necessary:** No
- 11. Other Comments:** None