

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 118

Committee Substitute Favorable 3/5/19
Committee Substitute #2 Favorable 3/27/19
Committee Substitute #3 Favorable 4/15/19
Committee Substitute #4 Favorable 5/6/19

PROPOSED SENATE COMMITTEE SUBSTITUTE H118-PCS30604-TG-54

Short Title: COVID-19 Liab. Safe Harbor.

(Public)

Sponsors:

Referred to:

February 21, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE LIMITED IMMUNITY FROM LIABILITY FOR CLAIMS BASED
3 ON TRANSMISSION OF CORONAVIRUS DISEASE 2019 (COVID-19).

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 99E of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 8.

8 "COVID-19 Limited Immunity.

9 "**§ 99E-70. Definitions.**

10 The following definitions apply in this Article:

11 (1) COVID-19. – The disease caused by the SARS-CoV-2 virus.

12 (2) Person. – An individual; corporation; nonprofit corporation; business trust;
13 estate; trust; partnership; limited liability company; sole proprietorship;
14 association; joint venture; government; governmental subdivision, agency, or
15 instrumentality; public corporation; or any other legal entity.

16 "**§ 99E-71. Limited immunity.**

17 (a) In any claim for relief arising from any act or omission alleged to have resulted in the
18 contraction of COVID-19, including any claim based on violation of subsection (b) of this
19 section, no person shall be liable for any act or omission that does not amount to gross negligence,
20 willful or wanton conduct, or intentional wrongdoing.

21 (b) Every person shall provide, with respect to any premises owned by the person or
22 under the person's possession, custody, or control, reasonable notice of actions taken by the
23 person for the purpose of reducing the risk of transmission of COVID-19 to individuals present
24 on the premises. No person shall be liable for the failure of any individual to comply with rules,
25 policies, or guidelines contained in the notice required by this subsection. This subsection shall
26 not apply to premises owned by an individual, other than premises that are used in the operation
27 of a sole proprietorship.

28 (c) This section does not apply to claims before the Industrial Commission seeking
29 benefits payable under the Workers' Compensation Act, Article 1 of Chapter 97 of the General
30 Statutes.

31 "**§ 99E-72. Applicability.**



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1 This Article applies to claims arising no later than 180 days after the expiration or rescission
2 of Executive Order No. 116 issued March 10, 2020."

3 **SECTION 2.** Nothing in this act shall affect any immunity from liability provided
4 under Session Law 2020-3.

5 **SECTION 3.** This act is effective when it becomes law and applies to claims arising
6 on or after that date.