

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 806
PROPOSED SENATE COMMITTEE SUBSTITUTE H806-PCS10856-TG-51

Short Title: HOA/Condo Pool Opening Ltd. Immunity. (Public)

Sponsors:

Referred to:

April 18, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE LIMITED IMMUNITY FROM COVID-19 RELATED CLAIMS
3 ARISING FROM THE REOPENING OF PRIVATELY OWNED COMMUNITY
4 SWIMMING POOLS IN ACCORDANCE WITH EXECUTIVE ORDERS ISSUED BY
5 THE GOVERNOR DURING THE COVID-19 STATE OF EMERGENCY.

6 The General Assembly of North Carolina enacts:

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

9 "Article 8.

10 "Private Pools COVID-19 Limited Liability.

11 "**§ 99E-70. Definitions.**

12 The following definitions apply in this Article:

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

14 (2) Community pool. – A privately owned community swimming pool, including,
15 without limitation, a swimming pool owned or operated by a multi-unit
16 apartment complex, homeowners association, or condominium unit owners
17 association.

18 "**§ 99E-71. Limited liability for reopening community pools.**

19 (a) Owners and operators of community pools and their agents shall not be liable in any
20 claim or action seeking damages for injury or death resulting from transmission of COVID-19
21 alleged to have resulted from the reopening of the community pool in accordance with applicable
22 executive orders of the Governor.

23 (b) The immunity provided by this section shall not apply to claims for injury or death
24 resulting from gross negligence, wanton conduct, or intentional wrongdoing.

25 "**§ 99E-72. Applicability.**

26 This Article applies to claims or actions arising no later than one year after the expiration or
27 rescission of Executive Order No. 116 issued March 10, 2020."

28 **SECTION 2.** This act is effective when it becomes law and applies to claims arising
29 on or after that date.



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