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NCOIL TO DEVELOP BUSINESS LIABILITY PROTECTION MODEL ACT

Discussions to Start at NCOIL Annual Meeting in December; Property & Casualty Insurance Committee Will Analyze Efforts States Have Taken to Protect Conscientious Businesses from COVID-19 Litigation

Manasquan, NJ – At the upcoming NCOIL Annual Meeting in Tampa, FL from December 9th – 12th, the organization will begin discussing the development of an NCOIL Business Liability Protection Model Act (Model). The Model will be sponsored by Kentucky Representative Bart Rowland, Chair of the NCOIL Property & Casualty Insurance Committee, and co-sponsored by Indiana Representative Matt Lehman, NCOIL President.

The Model will be placed before the Property & Casualty Insurance Committee and introductory draft language will be included in the 30-day materials for the Annual Meeting which will be distributed and posted on the NCOIL website on November 10th.

Rep. Rowland said, “I am proud to sponsor this Model for states to consider. Unfortunately, the country will be living with this virus for quite some time. However, conscientious businesses still must be able to function in this era of our ‘new normal’ without the cloud of potential litigation hanging over their heads. Of course, if a business acts in a reckless or willful manner, liability can attach, but the businesses who want to re-open in a safe manner should be provided a certain level of immunity from COVID-related lawsuits.”

Various states, including but not limited to Idaho, Iowa, Michigan, North Carolina, Oklahoma, Utah, Wyoming, Louisiana and Kansas have already adopted state legislation providing businesses with some type of limited civil liability immunity from defendants who are seeking damages related to contraction of COVID-19 at the premises in question.



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“I applaud Representative Rowland for introducing this measure and I am proud to serve as co-sponsor,” said Rep. Lehman. “The economy simply cannot function if businesses can’t get back to the everyday service of providing a product or service to consumers. Having a law in place that would provide a certain level of immunity to responsible businesses will encourage them to re-open, and protect them and their insurers from any unnecessary litigation.”

NCOIL CEO, Commissioner Tom Considine, stated, “We at NCOIL are proud to continue developing model legislation to offer assistance to states as they adapt during these challenging times. With this model, we’re really trying to prevent frivolous lawsuits against businesses that operate using the proper standard of care, and avoid insurance policies having to pay for something that ultimately could be impossible for a litigant to prove in certain instances. We’ll take a look at the legislation that has already been enacted in several states and go from there.”

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NCOIL is a national legislative organization with the nation’s 50 states as members, represented principally by legislators serving on their states’ insurance and financial institutions committees. NCOIL writes Model Laws in insurance and financial services, works to preserve the State jurisdiction over insurance as established by the McCarran-Ferguson Act seventy-five years ago, and to serve as an educational forum for public policymakers and interested parties. Founded in 1969, NCOIL works to assert the prerogative of legislators in making State policy when it comes to insurance and educate State legislators on current and longstanding insurance issues.