

Republicans pledge to continue pursuit of COVID liability protections in new session

BY: [JUSTIN SWEITZER](#) DECEMBER 7, 2020

Even though Gov. Tom Wolf vetoed legislation that would have provided businesses with a shield from COVID-19-related lawsuits, Republican lawmakers on Monday signaled that the battle over liability protections is far from over, with legislators intending to press the issue again when session resumes next year.

The legislation, [House Bill 1737](#), would have provided a liability shield to a range of businesses and workers throughout the state, including health care providers and workers, child care facilities, manufacturers, schools and other businesses that follow state health guidelines.

Wolf vetoed the bill last month, claiming that it would have enacted overly-broad protections that would open the door for negligence and unsafe work conditions. Proponents of the bill, however, lambasted Wolf for the veto.

On Monday, state Republicans said at a press conference that Wolf's veto amounted to choosing the concerns of trial lawyers over those of the state's health care providers and small businesses. Those who voted in favor of the bill, almost exclusively Republicans, said the temporary liability shield would have protected businesses from lawsuits brought on by aggressive attorneys.

Rep. Kate Klunk (R-York) said the liability protections would have served as a lifeline for businesses during a time when many are already struggling financially.

"The pandemic has impacted every single aspect of our lives and continues to do so. It is drying out businesses and particularly those small businesses that are trying their very best to follow the guidelines and protect their employees and their customers," Klunk said. "The last thing they want or need are frivolous lawsuits that they must defend against."

"Unfortunately with this veto, they may be forced to do so," Klunk added.

Under the bill's language, qualifying businesses and individuals would have been shielded from lawsuits alleging damage to property or personal injury as a result of COVID-19 exposure.

The legislation would not have protected businesses from gross negligence, recklessness, willful misconduct or intentional infliction of harm.

Republican lawmakers said Monday that despite Wolf's veto, they will work in the new session to advance another liability bill and earn Wolf's signature.

Rep. Stan Saylor, who chairs the House Appropriations Committee, said that if Wolf believes that the state should help medical workers, he should have signed the liability bill.

“This governor, by vetoing this bill, just slapped in the face those workers,” Saylor said. “If they don’t deserve protection, I don’t know who does.”

Wolf has maintained that the bill was too broad in scope and that it would have allowed bad actors to avoid the consequences of negligent behavior.

He said in a [veto message](#) that “shielding entities from liability in such a broad fashion as provided under this bill invites the potential for carelessness and a disregard for public safety.”

“Providing immunity for a business that does not rigorously comply with public health orders does not ensure the safety of the public, its employees and is not in the public interest,” Wolf said in the message.

Republicans, however, pointed out that the legislation would have required businesses to follow public health guidelines in order to qualify for the liability protections.

State lawmakers will be able to begin work this session when they are sworn in in January 2021.

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