

# WAUKESHA COUNTY BUSINESS ALLIANCE

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June 26, 2020

Wisconsin Legislature,

The Waukesha County Business Alliance has a broad and diverse membership - 1,300 member organizations employing more than 75,000 Wisconsinites. Our members come from a variety of industries, representing everything from sole proprietors to the largest employers in the region. Every one of our members has been impacted by COVID-19. To continue keeping the Wisconsin economy moving in the right direction, it is imperative that the legislature pass reasonable protections from liability for businesses, schools and other organizations who reopen to serve the public, and are taking commonsense measures to protect their employees, customers, and clients during these irregular times.

These measures include:

- **Premises Liability Safe Harbor:** The legislature should create protections for all property owners/occupants who are good actors against frivolous lawsuits alleging a plaintiff was infected with COVID-19 at a specific premises. It is not business community specific and would protect homeowners, government entities - including schools and universities - and any other premises including outdoor events and festivals. The safe harbor should not protect bad actors. An entity should lose the liability exemption if they knowingly violated a public health order or spread COVID-19 by acting in a reckless, wanton, or intentional manner.
- **Limitation on Recovery from COVID-19 Injury Lawsuits:** The legislature should create limitations on the ability of plaintiffs to recover damages from alleged exposure to COVID-19. Plaintiffs cannot recover if they have not been diagnosed as having COVID-19. This would protect all Wisconsinites, not just the business community. These protections should not apply to bad actors. Specifically, the limitation should not apply to cases where another's act or omission that caused the exposure involved reckless, wanton, or intentional misconduct.
- **Expanded Manufacturers, Distributors, and Sellers Protections:** Expand the relevant provision from Act 185 to protect those businesses that sell PPE at a profit. Allowing businesses to make a profit - and thereby keep their employees paid and boost their local economies - does not negate the fact these businesses stepped up during a pandemic and continue to help keep their communities safe by making PPE.

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These liability provisions should be enacted to protect our business from litigation. If we want businesses, schools, and other organizations to reopen, they cannot live in constant fear of litigation when they are taking commonsense measures to protect their employees, customers, and clients.

The legislature can and should act quickly to protect businesses and individuals and keep our economy running during a global pandemic.

Thank you,



Suzanne Kelley  
President & CEO  
Waukesha County Business Alliance, Inc.