

December 10, 2020

Governor Evers and Wisconsin State Legislature:

As the COVID-19 pandemic continues, the threat of predatory lawsuits, seeking possibly bankruptcy causing damages, for alleged COVID-19 exposures is a major concern of small businesses and many other entities, even if they “did everything right” by complying with public health orders and taking all necessary precautions.

We appreciate the past efforts of the legislature and Governor Evers at the beginning of the pandemic to protect healthcare workers and those businesses that donate personal protective equipment. We also are happy to see Speaker Vos proposing liability reforms, as outlined in a December 1 Legislative Fiscal Bureau memorandum. That memo contains some encouraging concepts and we are interested in providing input on the statutory language to ensure that struggling Wisconsin businesses, non-profits, schools, and homeowners receive meaningful—and easy to comply with—protections from predatory lawsuits, provided they take adequate precautions to keep their premises safe.

In the same vein, the undersigned organizations encourage the legislature to pass, and governor to sign, meaningful liability reforms based off of LRB-6434/2 authored by Senator Kapenga, Representative Born, and Representative Knodl. The legislation would create a safe harbor for all property owners/occupants who are good actors against frivolous lawsuits alleging a plaintiff was infected with COVID-19 at a specific premises. *The bill is not business community specific and would protect homeowners, non-profits, schools, universities, and any other premises including outdoor events and festivals.* The safe harbor would not protect bad actors. An entity would 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.

Wisconsin is not alone in enacting premises liability protections. At least 13 other states have also done so, including neighboring states Iowa and Michigan. The legislature and governor need to act quickly to protect businesses, schools, non-profits, and individuals doing the right thing.

The signatories respectfully urge the legislature and governor to work together to pass and enact substantive liability protections like LRB-6434/2, which will help rebuild Wisconsin’s communities and economy.

Sincerely,

Wisconsin Manufacturers & Commerce
National Federation of Independent Business – Wisconsin
Wisconsin Civil Justice Council
Wisconsin Association of Independent Colleges and Universities
Wisconsin Technology Council

Wisconsin Association of School Boards
Wisconsin Insurance Alliance
Wisconsin Builders Association
Wisconsin Bankers Association
Wisconsin Property Taxpayers, Inc.
Midwest Food Products Association
Wisconsin Restaurant Association
Fox Cities Chamber of Commerce
Marinette Menominee Area Chamber of Commerce
Greater Wausau Chamber of Commerce
Stoughton Chamber of Commerce
Portage County Business Council, Inc.
Metropolitan Milwaukee Association of Commerce
Associated Builders and Contractors of Wisconsin
Marshfield Area Chamber of Commerce and Industry
The Wisconsin Credit Union League
Burlington Chamber of Commerce
Wisconsin Institute of CPAs
Greater Green Bay Chamber of Commerce
Bowling Centers Association of Wisconsin
Waukesha County Business Alliance
Wisconsin Dairy Business Association
Wisconsin Defense Council
American Property Casualty Insurance Association
Muskego Area Chamber of Commerce
Wisconsin Petroleum Marketers and Convenience Store Association
Commercial Association of REALTORS Wisconsin
Wisconsin Agri-Business Association
Venture Dairy Cooperative
Eau Claire Area Chamber of Commerce
Racine Area Manufacturers and Commerce
Beaver Dam Area Chamber of Commerce
Oshkosh Chamber of Commerce
Wisconsin Cheese Makers Association
Wisconsin Convention and Visitor Bureaus
Mosinee Area Chamber of Commerce
Wisconsin Hotel & Lodging Association
Wisconsin Grocers Association
Wisconsin Farm Bureau Federation
Independent Insurance Agents of Wisconsin
Wisconsin Dairy Alliance
The Plumbing and Mechanical Contractors Association of Milwaukee
The Sheetmetal and Air Conditioning Contractors Association of Milwaukee

Wisconsin REALTORS Association
Wisconsin Motor Carriers Association
Wisconsin Transportation Builders Association
Professional Insurance Agents of Wisconsin, Inc.
West Bend Area Chamber of Commerce
Wisconsin Association of Textile Services
Wisconsin Amusement and Music Operators
Wisconsin Automatic Merchandising Council
Tool, Die & Machining Association of Wisconsin
Associated General Contractors
Independent Business Association of Wisconsin
Wisconsin Veterinary Medical Association
Wisconsin Potato & Vegetable Growers Association
Wisconsin Soybean Association
Wisconsin State Cranberry Growers Association
Wisconsin Cattlemen Association
Wisconsin Association of Professional Agricultural Consultants
Germantown Area Chamber of Commerce
Sun Prairie Chamber of Commerce
Hartford Area Chamber of Commerce
Whitewater Area Chamber of Commerce & Tourism
Oregon Area Chamber of Commerce
Menominee Area Chamber of Commerce & Visitor Center
Envision Greater Fond du Lac, Inc.