



OHIO SENATE JUDICIARY COMMITTEE

H.B. 606 - Proponent Testimony, Written Only

***Submitted on June 30, 2020 by the
Associated General Contractors of Ohio and Ohio Contractors Association***

Chair Eklund, Vice Chair Manning, Ranking Member Thomas, and Senators of the Senate Judiciary Committee:

The Associated General Contractors (AGC) of Ohio and Ohio Contractors Association (OCA) appreciate the opportunity to express our support of H.B. 606.

H.B. 606 would provide qualified civil immunity for health care providers providing services during a disaster or emergency, grant qualified civil immunity for businesses and individuals regarding the transmission of coronavirus infection, and declare an emergency. Our comments will focus on the civil immunity for businesses.

Collectively, AGC and OCA represent over 600 union and open shop (non-union) construction businesses that employ tens of thousands of tradespeople and other professionals. Our members construct a wide variety of vertical and horizontal nonresidential structures in both the private and public sectors.

Construction services were considered essential under the initial Stay at Home orders issued by the Ohio Department of Health. Contractors have diligently worked to protect their own workforce, subcontractors and others employed on jobsites, as well as the general public. Contractors continue to follow the evolving mandates and best practices from the state and federal government, donate significant amounts of PPE to assist first responders, and create innovative safety solutions to protect people.

Ohio now needs to shield these businesses from frivolous lawsuits due to exposure to or contraction of COVID-19. There is no cure yet for the virus, so it will be an issue for some time to come.

Having no legal protections from coronavirus lawsuits presents huge obstacles for reviving the state's economy. Essential businesses that remained open could face litigation related to exposure or contraction despite following state requirements and best practices that changed over time. And, for businesses or jobsites where operations were limited or shut down, they now must be fearful of a future lawsuit claiming they opened too soon and therefore exposed people to the virus.

With the very nature of this invisible virus, everyone is a possible plaintiff. The risk of an onslaught of virus-related lawsuits is high, and the lack of clear legal protections present an obstacle to businesses' continued success and the state's economic recovery. The cost of defending even a single lawsuit could force an already struggling business to permanently close.

H.B. 606 addresses these concerns by providing civil immunity for injury, death, or loss to person or property caused by the transmission of a coronavirus infection, unless it is established by clear and convincing evidence that the infection was transmitted by reckless or intentional conduct or with willful or wanton misconduct.

Ohio's civil justice system must be rational, fair and predictable. Sub. H.B. 606 will help prevent a proliferation of questionable lawsuits stemming from the pandemic that could plague Ohio businesses. AGC of Ohio and OCA urge you to support H.B. 606 and protect those contractors operating in good faith from frivolous lawsuits.