

LEGISLATURE OF THE STATE OF IDAHO

Sixty-fifth Legislature Second Regular Session - 2020

IN THE _____

BILL NO. _____

BY _____

AN ACT

1
2 RELATING TO LIMITATION ON CERTAIN TORT DAMAGES AND LIABILITIES; AMENDING
3 CHAPTER 16, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-1608,
4 IDAHO CODE, TO DEFINE TERMS, TO PROVIDE IMMUNITY FOR DAMAGES ARISING
5 FROM COVID-19 WITH EXCEPTIONS, AND TO PROVIDE APPLICABILITY; DECLARING
6 AN EMERGENCY; AND PROVIDING A SUNSET DATE.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 16, Title 6, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 6-1608, Idaho Code, and to read as follows:

11 6-1608. IMMUNITY RELATED TO COVID-19. (1) As used in this section:

12 (a) "COVID-19" means:

13 (i) Severe acute respiratory syndrome coronavirus 2; or

14 (ii) The disease caused by severe acute respiratory syndrome
15 coronavirus 2.

16 (b) "Person" means an individual; an association; an institution; a
17 corporation; a company; a trust; a limited liability company; a part-
18 nership; a political subdivision; a government office, department, di-
19 vision, bureau, or other body of government; and any other organization
20 or entity.

21 (c) "Premises" means real property and any appurtenant building or
22 structure.

23 (2) Subject to the other provisions of this section, a person is immune
24 from civil liability for damages or an injury resulting from exposure of an
25 individual to COVID-19 on the premises owned or operated by the person or
26 during an activity managed by the person. Immunity as described in this sub-
27 section shall not apply to willful or reckless misconduct as defined in sec-
28 tion 6-1601, Idaho Code.

29 (3) The provisions of this section shall not modify the application of
30 worker's compensation laws as provided in chapters 1 through 9, 13, and 14,
31 title 72, Idaho Code.

32 (4) The immunity provided in this section shall be in addition to any
33 other immunity protections that may apply in state or federal law.

34 SECTION 2. An emergency existing therefor, which emergency is hereby
35 declared to exist, this act shall be in full force and effect on and after its
36 passage and approval.

37 SECTION 3. The provisions of Section 1 of this act shall be null, void,
38 and of no force and effect on and after July 1, 2022.