



June 15, 2020

## DEALERSHIP INFORMATIONAL ADVISORY

# COVID-19 Updates #30

## Business Liability Update

### GOVERNOR SIGNS BUSINESS LIABILITY, MEDICAL LIABILITY, AND WORKERS COMPENSATION EXECUTIVE ORDERS

Governor Hutchinson signed three (3) Executive Orders today related to COVID-19, including Executive Order 20-33 protecting Arkansas businesses from liability related to the pandemic. The other two (2) Executive Orders relate to public health immunity (EO 20-34), and workers compensation coverage (EO 20-35).

The Executive Orders were signed today in lieu of the Governor calling a special session. This decision was made following the encouragement and support of a majority of House and Senate members to take this action rather than holding a special session.

Liability to businesses as a result of COVID-19 has been one of the primary areas of concern for AADA in terms of the potential impact on dealers. AADA worked closely with business groups and government leaders to get this protection from the threat of frivolous lawsuits in place quickly.

Executive Order 20-33 ([FULL TEXT HERE](#)) relating to Business Liability includes the following details:

- All businesses and their employees shall be immune from civil liability as a result of exposure to COVID-19;
- Immunity does not apply to willful, reckless or intentional misconduct;
- A presumption that the actions are not willful or reckless if the business owner substantially complies with public health directives;
- Immunity does not extend to workers compensation benefits (addressed in Executive Order 20-35);
- Immunity is effective from June 15, 2020, until the emergency is terminated.

The message for dealers as a result of this executive order is that you are immune from civil liability if you substantially comply with public health directives. Businesses that engage in willful, reckless, or intentional misconduct will not be protected from liability by this executive order.

As a result, it is more critical than ever that dealers comply with Arkansas Department of Health directives and guidelines ([CLICK HERE](#)), CDC guidelines ([CLICK HERE](#)), and OSHA guidelines ([CLICK HERE](#)).

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## WORKERS COMPENSATION ORDER

The Governor also signed Executive Order 20-35 ([FULL TEXT HERE](#)) related to workers compensation coverage. This Order includes the following details:

- Assures workers compensation coverage for employees;
  - COVID-19 is considered an occupational disease under the law;
  - COVID-19 shall be an exception to prohibition on compensation for ordinary diseases of life;
  - There must be a causal connection between employment and the disease;
  - Extends during the public health emergency.
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## REMEMBER THE BASICS

With a recent surge in cases of COVID-19, it is always important for businesses to remember the basics:

- Post required COVID-19 Signage at the Entrances to your Buildings
  - Follow CDC and OSHA Disinfecting Guidelines
  - Screen people for COVID-19
  - Wear Face Coverings and Masks When in Public
  - Physical Distancing - Maintain a Distance of 6-feet between you and others
  - Occupancy Limits - Follow State Department of Health Guidelines
  - Wash Your Hands for at Least 20-seconds with Soap and Water
  - Avoid Touching Your Face
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## NADA CORONAVIRUS HUB

As a reminder, NADA has produced a tremendous amount of resources to help dealers and their operations during the coronavirus pandemic.

The site and the links will be updated continuously; bookmark the address, and click on the links as you need them for the latest versions of everything CARES Act, SBA, PPP, Tax Relief and more. Please check it out here: <https://www.nada.org/coronavirus/regulatory/>.

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## ADDITIONAL AND HELPFUL LINKS

For additional information related to maintaining your dealership as safe, we would recommend monitoring updates from the CDC, [link](#), and OSHA, [link](#).

Please go to our website for links to information your dealership needs at [AADA coronavirus update](#).

For more information about **safely operating a dealership during COVID-19**, please see NADA's [Dealership Health and Safety Concerns During a Pandemic FAQs](#) (which also includes several updated, useful links to additional information).

AADA will work to keep you updated on this situation, but a firm commitment to maintaining a safe and clean work environment for your employees and customers will help you navigate this health crisis.

If you have any questions about this bulletin please don't hesitate to call, 501-372-2596, or email Greg Kirkpatrick [greg@arkautodealers.com](mailto:greg@arkautodealers.com).