STATE CAPITOL P.O. BOX 942849 SACRAMENTO, CA 94249-0047 (916) 651-4020 FAX (916) 651-4920



June 5, 2020

Governor Gavin Newsom State Capitol Sacramento, CA 95814

Sent via email

SUBJECT: PROTECTING SMALL BUSINESSES FROM LIABILITY DURING STATE AND NATIONAL EMERGENCY

Dear Governor Newsom:

California's economic activity has plummeted in the wake of the coronavirus pandemic. The depth and speed of the decline will rival that of the Great Depression. It is imperative that we act thoughtfully and courageously to recover from this devastating toll by improving business confidence to operate. Increased confidence translates to business investment, which would limit the economic damage caused during the crisis.

As small businesses are the backbone of our economy and the financial engine that will allow the state to recover post-COVID-19, they need liability protection to continue serving the public and providing necessary jobs. This is a time to encourage entrepreneurs and support small, struggling enterprises. California is home to four million small businesses, according to a 2019 Small Business Administration Office of Advocacy report, and each one contributes significantly to our economic strength and employment. California cannot afford for these businesses to delay reopening because of fear from frivolous lawsuits.

California has recognized the need for protection from civil liability during times of crisis with the Emergency Services Act (Cal. Gov't. Code §§8550 et. seq.), while also allowing harmed individuals to seek redress for actions that rise to the level of gross negligence and willful misconduct. We join the Civil Justice Association of California, their member organizations, the Central Valley legislative delegation, and other entities across the state in seeking legal relief to address these concerns.

WHAT WE PROPOSE

A measure of the same kind of protection as the Emergency Service Act ought to be provided by Executive Order, urgency legislation or appropriated in the 2020-21 budget to protect and invest in small businesses as they contribute significantly during the unprecedented times caused by the COVID-19 state of emergency.

We, therefore, respectfully request the opportunity to discuss swift action to include the following:

- Protection from civil liability associated with third party claims that persons contracted the Covid-19 virus while at, or through, a place of business for small businesses with fewer than 25 employees, and their employees;
- Protection conditioned on such businesses implementing and abiding by the official health regulations and protocols of the State of California or respective county plans approved by the State;
- Protection limited to the duration of the declared state of emergency; and
- Protection that allows harmed individuals redress for actions by private entities if they engage in unlawful discrimination, in a grossly negligent act or omission, or in willful or wanton misconduct.

On behalf of the signatories below, we look forward to your response and to working with you on California's economic recovery. Please feel free to reach out to Assemblymember Ramos or his legislative director, Katherine Van Horn at his Capitol Office (916) 319-2040 or District Director Jeovana Sanchez Gonzalez at (909) 476-5023.

Sincerely,

James C. Ramos

Assemblymember, 40th District

Coly SALR

Sharon Quirk-Silva

Rudy Salas, AD 32

Blanca Rubio, AD 48

Dance E. Rubio

Mahleta

Sharon Quirk Silva, AD 65

Bob Archuleta, SD 32

Patil Och I

Patrick O'Donnell, AD 62

Mate A signam

Mike Gibson, AD 64

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Chad Mayes, AD 42



Joaquin Arambula, AD 31

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Jose Medina, AD 61



Scott Wilk, SD 21

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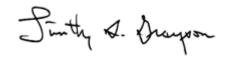
Jay Obernolte, AD 33



Adam Gray, AD 21



Melissa Hurtado, SD 14



Timothy Grayson, AD 14

Jim Cooper, AD 9

Eduardo Garcia, AD 56

Ton Daly

Tom Daly, AD 69

Sugar Rubio

Susan Rubio, SD 22

Thomas Lackey

Tom Lackey, AD 36

Just Chang

Ling Ling Chang, SD 29

From Michel

L. Dennis Michael, Mayor City of Rancho Cucamonga



San Bernardino Chamber of Commerce

Sabien entre

Sabrina Cervantez, AD 60

Andel Rooks

Freddie Rodriguez, AD 52

Miche morrell

Mike Morrell, SD 23

LylleRions

Luz Rivas, AD 39

City of Highland

Larry McCalla, Mayor





Mentone Chamber of Commerc



Jim Laroshe AuditTel



TDX International



Sight and Sound for the Blind"

Inland Empire Lighthouse for the Blind San Bernardino, California





Habitat for Humanity San Bernardino Area



Jovis Diner San Bernardino, California



W. Wood & Associates San Bernardino, California



All-AZ

iStyle by Roxxi Rancho Cucamonga, California



Citrograph Printing The Oldest Print Shop in California Redlands, California



Big Mike's Rooter & Plumbing Loma Linda, California



Gracie Humaita Jiu Jitsu Redlands, California



Pool Club Sports Bar & Grill San Bernardino, California

CC:

Assemblymember Phil Ting, Chair- Assembly Budget Committee Senator Holly Mitchell, Chair- Senate Budget Committee Assembly Speaker Anthony Rendon Senate Pro Tempore Toni Atkins