

SENATE, No. 2822

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 17, 2020

Sponsored by:

Senator CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Establishes immunity for youth sports leagues and senior planned real estate development associations relating to COVID-19.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** establishing immunity for youth sports leagues and senior
2 planned real estate development associations relating to COVID-
3 19 and supplementing Title 2A of the New Jersey Statutes and
4 P.L.1993, c.30 (C.45:22A-43 et seq.).

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. a. Notwithstanding the provision of any other law to the
10 contrary, any youth sports league, and any members, employees,
11 and agents thereof, shall not be liable for any civil damages for
12 injury or death caused by an exposure to COVID-19, a related viral
13 strain, or a disease caused by either one, alleged to have been
14 sustained as a result of an act or omission by the youth sports
15 league, or any members, employees, or agents thereof, during a
16 youth sports event or in the course of managing or maintaining the
17 facilities of the youth sports league. This immunity shall be
18 retroactive to March 9, 2020.

19 b. The immunity provided pursuant to subsection a. of this
20 section shall not apply to acts or omissions constituting a crime,
21 actual fraud, actual malice, gross negligence, recklessness, or
22 willful misconduct.

23 c. The immunity provided pursuant to subsection a. of this
24 section shall apply in addition to any other available immunity.

25 d. As used in this section:

26 “COVID-19” means the coronavirus disease 2019, as announced
27 by the World Health Organization on February 11, 2020, and first
28 identified in Wuhan, China.

29 “Youth sports event” means a competition, practice, or
30 instructional event involving one or more youth sports teams which
31 are member teams in a youth sports league.

32 “Youth sports league” means any sports league organized by or
33 affiliated with: a nonprofit or similar youth serving organization; a
34 county or municipal recreation department; or the governing body
35 of a county or municipality.

36
37 2. a. Notwithstanding the provision of any other law to the
38 contrary, any association of an age-restricted planned real estate
39 development, and any members, employees, and agents thereof,
40 shall not be liable for any civil damages for injury or death caused
41 by an exposure to COVID-19, a related viral strain, or a disease
42 caused by either one, alleged to have been sustained as a result of
43 an act or omission by the age-restricted planned real estate
44 development association, or any members, employees, or agents
45 thereof, in the course of managing or maintaining the common
46 elements and facilities of the age-restricted planned real estate
47 development. This immunity shall be retroactive to March 9, 2020.

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b. The immunity provided pursuant to subsection a. of this section shall not apply to acts or omissions constituting a crime, actual fraud, actual malice, gross negligence, recklessness, or willful misconduct.

5 c. The immunity provided pursuant to subsection a. of this
6 section shall apply in addition to any other available immunity.

7 d. As used in this section:

8 “Age-restricted planned real estate development” means a
9 planned real estate development that complies with the "housing for
10 older persons" exception from the federal "Fair Housing
11 Amendments Act of 1988," Pub.L.100-430 (42 U.S.C. ss.3601 et
12 seq.) for that community as set forth in section 100.301 of Title 24,
13 Code of Federal Regulations.

14 “COVID-19” means the coronavirus disease 2019, as announced
15 by the World Health Organization on February 11, 2020, and first
16 identified in Wuhan, China.

3. This act shall take effect immediately and shall be retroactive to March 9, 2020.

STATEMENT

24 This bill would establish immunity for youth sports leagues and
25 senior planned real estate development associations, and any
26 members, employees, and agents thereof, for any civil damages
27 caused by an exposure to COVID-19 alleged to have been sustained
28 as a result of an act or omission during a youth sports event, in the
29 course of managing or maintaining the facilities of the youth sports
30 league, or in the course of managing or maintaining the common
31 elements and facilities of the age-restricted planned real estate
32 development.

The immunity established by the bill would be retroactive to March 9, 2020, when Executive Order No. 103 was issued, declaring a public health emergency and state of emergency in response to COVID-19. This immunity would not apply to acts or omissions constituting a crime, actual fraud, actual malice, gross negligence, recklessness, or willful misconduct. This immunity would apply in addition to any other available immunity.