



P E N N S Y L V A N I A
B U S A S S O C I A T I O N

Representing the Motorcoach Industry Since 1923

April 12, 2021

The Honorable Lisa Baker
Chair, Senate Judiciary
173 Main Capitol Building
Senate Box 203020
Harrisburg, PA 17120-3020

The Honorable Steven Santarsiero
Chair, Senate Judiciary
182 Main Capitol Building
Senate Box 203010
Harrisburg, PA 17120-3010

RE: **PBA Support for HB 605 – COVID-19 Limited Liability**

Dear Chairs:

On behalf of Pennsylvania's private bus companies as well as our affiliate members, I am writing to express the Pennsylvania Bus Association's **support** for **House Bill 605**, which was referred to the Senate Judiciary Committee on April 9, 2021.

The Pennsylvania Bus Association (<http://pabus.org/>) was founded in 1923 and has functioned without interruption and with an unrelenting commitment to the safety of the traveling public and the economic well-being of its member companies. PBA boasts a well-rounded program of activities for both bus operator and supplier members and carries a current membership of over 750 entities. Governmental affairs, travel and tourism marketing, education, safety, and communication constitute the major areas of involvement for this, one of the oldest public passenger transportation associations in the United States.

- [House Bill 605](#) (Ecker-R) amends the Judicial Code concerning compulsory arbitration of COVID-19 actions and COVID-19 related liability. It would take effect immediately.

Subchapter F.2 - COVID-19-Related Liability. This new subchapter limits liability for schools and child-care facilities, manufacturers, distributors, labelers and users of personal protective equipment, businesses and local government authorities, and healthcare providers, including practitioners, facilities, emergency medical services providers, nursing care providers, clinical laboratories, and others involved in providing health care services relating to COVID-19. For purposes of this legislation, "schools" includes K-12 and post-secondary institutions, such as colleges and universities.

Notwithstanding any other provision of law, these various businesses, organizations, and institutions will have their general liability limited for damages or personal injury related to actual or alleged exposure to COVID-19, absent a showing, by clear and convincing evidence, of gross negligence, recklessness, willful misconduct or intentional infliction of harm.

The COVID-19 shutdown and restrictions in Pennsylvania and around the country has had a devastating impact on travel and transportation operators. The motorcoach, tour and travel industries are dominated by small businesses, and most often these are family owned, multigenerational businesses. These small businesses are not capable of withstanding even a modest downturn in domestic travel and tourism, let alone the devastating situation the travel industry is currently experiencing.

Once we could resume operations, PBA members have adhered to the Centers for Disease Control (CDC) guidelines and applicable state guidance with respect to COVID-19 but would like to make sure that our industry is protected from frivolous lawsuits.

As the motorcoach, tour and travel industries are struggling to remain in business with reduced ridership and closed or limited destinations for people to travel, the threat of frivolous lawsuits creates another concern to the industry which may threaten the viability of these family owned, multigenerational businesses. Small businesses form the backbone of the U.S. tour and travel industry, as well as provide vital links for rural communities, commuting employees, school children, and price-sensitive travelers.

PBA respectfully offers its support for House Bill 605. If you should have any questions, please do not hesitate to contact me.

Sincerely,



Patricia Cowley, Executive Director
Pennsylvania Bus Association
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BCC: Senate Judiciary Committee