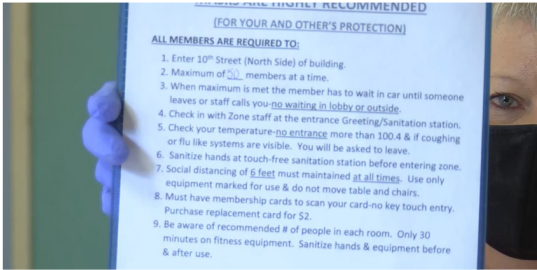




KOLD FACT FINDERS

Fact Finders: Three things a liability waiver needs to have



A volunteer shows new waiver attendees need to sign to agree to new safety measures. (Source: kabc)

By [Melissa Egan](#) | May 29, 2020 at 1:39 PM MST - Updated May 29 at 1:39 PM
 TUCSON, Ariz. (KOLD News 13) - If you are a business owner, you may be thinking about having customers sign a liability waiver before service as we continue to track the spread of the coronavirus.

Marc Lamber, head of the Fennemore Craig personal injury department, says there are three things that need to be included in a liability waiver for a higher likelihood of being enforced in the courtroom.

[[Fact Finders: More businesses may add liability waivers. Do customers have to sign?](#)]

1. It needs to be clear and unambiguous.

"What does that mean? It needs to be in plain English, so someone can understand it. So someone, if they are going to give up a right, they need to be able to review it, understand it and know what they are doing," said Lamber.

2. It needs to be specific, as to the risk.

Lamber explains right now, that could be allegations that a customer contracted COVID-19 while at the business.

3. It can't be over broad or over generalized.

"A court is going to look at and evaluate - does it violate public policy?," said Lamber. "When a court is looking at a release, it's looking at it with a very skeptical eye. Courts disfavor releases."

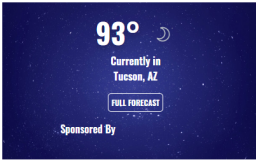
[[Fact Finders: Businesses need a plan to reduce the spread of COVID-19](#)]

Lamber says, he believes, owners need to balance the reward, or hope that the waiver will deter a lawsuit, against the risk of losing a customer's business.

"Right now, it's hard enough to get customers and the concern for businesses, at least my belief is, they're going to be concerned that by asking customers to sign a release or waiver. They are going to scare them off," said Lamber.

Lamber said, in general, waivers or releases are hard to enforce in Arizona's courts.

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AUTHOR

Melissa Egan

Tucson



From the Surahine State, Melissa grew up in Cooper City, Florida, a suburb of Ft. Lauderdale.

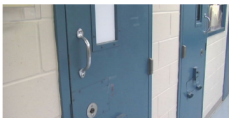
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