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Fact Finders: More businesses may add liability waivers. Do customers have to sign?



By Brooke Wagner | May 21, 2020 at 5:07 PM EDT - Updated May 21 at 5:07 PM EDT  
TUCSON, Ariz. (KOLD News 13) - As more businesses continue to reopen in Southern Arizona, customers could be asked to sign a liability waiver before heading inside.

Being required to sign a waiver to release a liability for a physical activity is now a common procedure at several practices. However, it could be the new "normal" for much more.

"I think one of what's happening, though, are businesses, either out of necessity, are concerned there are going to be claims lawsuits, so they're trying to protect themselves by asking the people who are using the services at the business and they're concerned about liability. Liability, head of the Foreman's Group personal injury department.

Leaher said a business may decide to require a signature on a waiver to reduce the risk of a lawsuit. A waiver, as a contractual agreement of the club, would give the customer's liability more responsibility while dining, shopping or taking other activities while we continue to watch the spread of the coronavirus.

"When you get a release or a waiver, if you are going to sign it, you need to do one thing first -- you need to read it," said Leaher.

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Leaher said a customer can still get an attorney if there is something he or she does not agree with in the waiver. He said he's seen that happen before, but the business does have the right to release service if they feel necessary.

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"You can't deny you're going to sign it, but there you can't be protected either," said Leaher.

To enter into an enforceable contract in Arizona, you have to be 18 years old. If a teenager happens to sign a waiver at a business that now requires it and something happens, the court will question if the waiver is enforceable based on terms of age alone.

There will likely be lawsuits related to the coronavirus and waivers, so businesses need to be careful with what they include and what they expect to get out of them, Leaher said. In general, waivers or releases are hard to enforce in Arizona's courts.

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