

MELICK & PORTER, LLP COVID-19 MEMO:

Melick & Porter, LLP provides you with the below update regarding the impact of COVID-19 on issues relating to insurance in the United States. The below is not meant to be all-inclusive, but provides an overview as to the trends in the United States. If you have any questions regarding any of the updates below, please do not hesitate to contact us.

SUMMARY OF IMPORTANT LEGISLATION AND EMERGENCY ORDERS AND DIRECTIVES:

Below we provide an overview as to the types of legislative actions that have been occurring, both on a federal and state level.

- On March 18, 2020, [Senate Bill 3533](#), the Securing and Enabling Commerce Using Remote and Electronic Notarization Act of 2020, was introduced to authorize and establish minimum standards for electronic and remote notarizations that occur in or affect interstate commerce.
 - A substantially identical version of the bill was introduced in the House on March 23, 2020 as [H.R.6364](#). If the SECURE Notarization Act becomes law in its current form, it would authorize every notary in the US to perform remote online notarizations using audio-visual communications and similar technology in connection with interstate transactions.
- The Senate began former President Donald Trump's second impeachment trial on February 9, 2021, voting to affirm its own [jurisdiction](#) to hear the case.
- Allegations surface regarding New York Governor Andrew Cuomo's Administration, after a top aide admitted that the state had withheld data because it feared an investigation by the Trump Justice Department. There is a question as to whether it knowingly undercounted deaths among nursing home residents during the height of the COVID-19 pandemic in the state. In follow up to a [report released last month by New York Attorney General Letitia James](#) that suggested the Cuomo Administration undercounted deaths among nursing home residents by as much as 50%.
- [President Biden](#) said Tuesday he [agrees](#) with a proposal from House Democrats to begin phasing out the next round of direct coronavirus relief payments to Americans who make more than \$75,000.
- Community health centers will [receive](#) coronavirus vaccines directly from the federal government next week, the White House announced on February 9, 2021. The volume of doses delivered will increase with time as vaccine supply increases.

- Senate Commerce Chair Maria Cantwell and Senators Richard Blumenthal and Ed Markey [introduced](#) the Essential Transportation Employee Safety Act on February 8, 2021, this bill would prioritize coronavirus testing for transportation workers and ensure employers implement requirements for precautions such as personal protective equipment.
- House Committees continue drafting the next COVID-19 relief package, which must pass before March 14, 2021, to prevent Americans from losing their increased unemployment benefits. House Speaker Nancy Pelosi [says](#) she is hoping to have the bill finished for a floor vote the week of February 22, 2021.
- Transportation Secretary Pete Buttigieg [advocated](#) for more federal aid to help airlines avoid massive furloughs from the pandemic.
- The Pentagon has [authorized](#) more than 1,000 active-duty service members to help the Federal Emergency Management Agency with its vaccination effort against COVID-19.
- Schools should use masks and social distancing to safely resume in-person learning as soon as possible, the U.S. Centers for Disease Control and Prevention [recommended](#).

INSURANCE AND COVERAGE RELATED NEWS AND ORDERS/LEGISLATION:

Below we provide an update as to regulations, news, and litigation specifically related to insurance and potential coverage.

- The U.S. House of Representatives introduced in May the Pandemic Risk Insurance Act (“PRIA”), modeled after the Terrorism Risk Insurance Act of 2002, as amended (“TRIA”). PRIA has been [categorized](#) as “a reinsurance program similar to [TRIA] for pandemics, by capping the total insurance losses that insurance companies would face.” PRIA would require participating insurers to “make available” insurance coverage for a “covered public health emergency,” which includes “any outbreak of infectious disease or pandemic” on terms that do not differ materially from the terms applicable to losses arising from other events.

BUSINESS AND COMMERCE NEWS AND LEGISLATION RELATED TO COVID-19:

Below we discuss news regarding the economic impact of COVID-19 and measures being taken to address that.

- The mortgage-related COVID-19 class actions continue throughout the country. The class actions impact various aspects of mortgage servicing, including credit reporting, forbearance and debt collection. In addition, there is expected increased attention on mortgage servicers in the COVID-19 atmosphere from the U.S. Consumer Financial Protection Bureau and Biden Administration.

- The U.S. added 49,000 jobs in January and the unemployment rate fell slightly to 6.3%, a 0.4 percentage point drop, according to data [released](#) by the Labor Department.

LITIGATION/CIVIL JUSTICE SYSTEM UPDATES AND ORDERS:

Below we, highlight additional judicial orders and trends related to the COVID-19 pandemic.

- As of Tuesday, February 16, 2021, the Boston Municipal Court-West Roxbury Division will offer virtual face-to-face front counter assistance as part of the court's Virtual Clerk's Office. Hours of operation will be Monday through Friday, 9 a.m. - 12 p.m. and 2 p.m. - 4 p.m. [Learn more](#).
- The orders previously issued by the Supreme Court of New Hampshire remain in full force and effect:
 - [Fifteenth Amended Order Suspending In-Person Court Proceedings at New Hampshire Circuit Court.](#)
 - [Fifteenth Amended Order Suspending In-Person Court Proceedings at New Hampshire Superior Court.](#)
 - [Fifteenth Amended Order Suspending In-Person Court Proceedings at New Hampshire Supreme Court.](#)