



USA Softball COVID-19 Insurance Q & A

Q: We have heard rumors that softball insurance providers will not cover players if they are playing ball outside of the state while their home state is shut down. Can you please provide insight on this as we are trying to weigh options regarding the remainder of our season?

A: The insurance program for USA Softball has not changed with regard to softball claims. If a USA Softball team has insurance through Individual Registration or through Team Insurance, the USA Softball Insurance policy will respond to softball-related accident and liability claims in the same manner as it always has. However, with regard to when to begin playing, permission to travel to another state, etc., due to COVID-19, RPS Bollinger and the USA Softball Insurance Program has no authority and can give no direction in that matter. Teams must follow the direction of the federal, state, and local authorities as to whether they can begin play locally, in other jurisdictions in their own states, or travel to other states.

Q: Is there coverage for COVID-19 on the USA Softball Liability Policy?

A: Under the General Liability policy for USA Softball, there is no *exclusion* for Virus or Contagious Disease; however, simply because the policy is silent does not automatically confer coverage for such claims. The General Liability policy was never designed to cover liability claims stemming from a pandemic, but it may be forced to respond and provide a defense, depending on the specific accusation in the lawsuit.

Q: Are there liability risks associated with beginning to play softball while the pandemic is not completely contained?

A: Yes. Because of the litigious nature of the U.S., organizations have to consider that they could face a lawsuit in association with COVID-19. While seemingly absurd from many angles, it is conceivable that USA Softball organizations could be accused of responsibility with the spread of the virus, and its effects. Such a case would be difficult to prove, but as we have seen from our experience with other liability claims, the ability to win the case is not always a deterrent. We are hopeful that there will be at least a measure of immunity for organizations and businesses against liability claims where the accusation is negligence with regard to people contracting COVID-19 while trying to re-start activity, but that legislation has not taken shape yet.

Organizations that do not follow federal, state, and local guidelines with regard to activities will increase their risk and will most likely find no coverage under the liability policy due to the exclusion for intentional acts.

Q: Is there insurance coverage for virtual practices though the internet?

A: Yes. As long as the instruction is “live” and supervised, there will be insurance coverage for softball injuries on the Accident Policy. The injury will need to be verified and the regular claim process applies. Coverage on the liability policy for virtual practices will depend on the specific claim accusation.

Q: Should USA Softball consider implementing a waiver for the risks associated with playing an organized group sport while COVID-19 remains a threat?

A: While we know that waivers are by no means foolproof, we do endorse the idea of a waiver for players and spectators to sign off that they understand the risks of contracting COVID-19, and that they will not hold a USA Softball Coach, Team, Commissioner, or USA Softball itself responsible.

Q: Is there coverage for COVID-19 illness under the USA Softball Accident Policy?

A: No. There is an exclusion for sickness and disease on the accident policy.