

HB0729/608575/3

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 729
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Unenforceability” and substitute “Unconscionability”; in line 9, strike “not enforceable” and substitute “presumptively unconscionable”; and in the same line, strike “providing for the application of this Act;” and substitute “providing that the presumption may be rebutted under certain circumstances;”.

AMENDMENT NO. 2

On page 2, in line 1, after “AGREEMENT” insert “BETWEEN A BUSINESS ENTITY AND AN EMPLOYEE OR A BUSINESS ENTITY AND A CONSUMER OF ITS PRODUCTS OR SERVICES THAT IS”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 6 and 7 and substitute:

“(B) (1) THERE IS A REBUTTABLE PRESUMPTION THAT A WAIVER DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS UNCONSCIONABLE.

(2) THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT THE PARTIES TO THE AGREEMENT ARE OF EQUAL BARGAINING POWER AND THE WAIVER IS NOT AN UNFAIR EXPLOITATION OF A DISPARITY IN BARGAINING POSITION BETWEEN THE PARTIES.”

AMENDMENT NO. 4

On page 2, strike in their entirety lines 8 through 10, inclusive; and in line 11, strike “3.” and substitute “2.”.