

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 1125

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “voluntarily” insert “and without compensation”; in line 9, after “capacity” insert “under certain circumstances”; in line 10, after “practice” insert “, without compensation,”; strike beginning with “within” in line 10 through “Governor” in line 12 and substitute “while a declared state of emergency is in effect”; in line 12, after “;” insert “providing for the application of this Act; defining certain terms;”; in line 12, after “to” insert “certain”; and in line 13, after “voluntarily” insert “and without compensation”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 16 and 17 and substitute:

“Article - Courts and Judicial Proceedings
Section 5-399.8”;

and strike in their entirety lines 22 and 23 and substitute:

“Article - Courts and Judicial Proceedings

5-399.8”.

AMENDMENT NO. 3

On page 1, after line 29, insert:

“(3) “FIRE OFFICIAL” MEANS ANY APPOINTED OR ELECTED LOCAL OFFICIAL WITH OVERALL EXECUTIVE RESPONSIBILITY TO COORDINATE FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES IN THE JURISDICTION IN WHICH A FIRE, EMERGENCY, DISASTER, OR CATASTROPHIC EVENT HAS OCCURRED.”;

(Over)

and in line 30, strike “(3)” and substitute “(4)”.

AMENDMENT NO. 4

On page 2, in lines 3 and 7, strike “(4)” and “(5)”, respectively, and substitute “(5)” and “(6)”, respectively.

AMENDMENT NO. 5

On page 2, in line 11, strike “LIABLE” and substitute “PERSONALLY LIABLE IN DAMAGES BEYOND THE LIMITS OF ANY APPLICABLE INSURANCE OR SELF-INSURANCE”.

AMENDMENT NO. 6

On page 2, in lines 16 and 17, strike “OR INTENTIONAL” and substitute “INTENTIONALLY TORTIOUS, OR GROSSLY NEGLIGENT”.

AMENDMENT NO. 7

On page 2, in line 24, strike “OR” and substitute “FIRE OFFICIAL, OR”.

AMENDMENT NO. 8

On page 2, strike beginning with “WITHIN” in line 27 through “POWERS” in line 30 and substitute “WHILE A DECLARED STATE OF EMERGENCY IS IN EFFECT”.

AMENDMENT NO. 9

On page 2, after line 30, insert:

“(D) (1) THIS SECTION DOES NOT CREATE, AND MAY NOT BE CONSTRUED AS CREATING, A NEW CAUSE OF ACTION OR SUBSTANTIVE LEGAL RIGHT AGAINST A PROFESSIONAL ENGINEER.

“(2) THIS SECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS AFFECTING, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISIONS OF THE CODE OR AVAILABLE AT COMMON LAW, TO WHICH A PROFESSIONAL ENGINEER MAY BE ENTITLED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.”;

and in line 31, strike “2.” and substitute “3.”.