

BY: Senator Madden

AMENDMENTS TO HOUSE BILL NO. 901, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, before "State" insert "Businesses and"; in line 3, strike "the State or" and substitute "a business, the State,"; in lines 3 and 8, in each instance, after "government" insert a comma; in lines 6 and 11, in each instance, strike "State" and substitute "business, State,"; in line 8, strike "State or a" and substitute "business, State,"; and in line 15, after "Section" insert "5-427 and".

AMENDMENT NO. 2

On page 1 of the Judicial Proceedings Committee Amendments (HB0901/788768/1), after line 3 of Amendment No. 2, insert:

5-427.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "BUSINESS" MEANS A SOLE PROPRIETORSHIP, PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY COMPANY, TRUST, ESTATE, ASSOCIATION, CORPORATION, OR OTHER PRIVATE ENTITY, INCLUDING A NONPROFIT PRIVATE ENTITY.

(II) "BUSINESS" INCLUDES AN OFFICER, DIRECTOR, EMPLOYEE, OR AGENT OF A BUSINESS.

(3) "COMPLIANCE PLAN" MEANS A WRITTEN PLAN TO INVENTORY, ASSESS, TEST, AND SCHEDULE REPAIRS AND REMEDIATION OF DATA DATA PROBLEMS IN INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS.

(Over)

(4) “DATE DATA” MEANS DATA THAT CONTAIN DATES OR TIMES OR BOTH.

(5) “DATE DATA PROBLEM” MEANS THE FAILURE, MALFUNCTION, OR INADEQUACY OF AN INFORMATION TECHNOLOGY SYSTEM, PRODUCT, OR PROCESS TO RECOGNIZE, PROCESS, DISTINGUISH, INTERPRET, OR ACCEPT CORRECTLY DATE DATA.

(6) “INFORMATION TECHNOLOGY SYSTEM OR PRODUCT” INCLUDES ANY SOFTWARE, FIRMWARE, MICROCODE, HARDWARE, EMBEDDED CHIPS, OR OTHER SYSTEM, PRODUCT, OR PROCESS, OR ANY COMBINATION OF THOSE ITEMS, THAT CREATES, READS, WRITES, CALCULATES, COMPARES, SEQUENCES, OR OTHERWISE PROCESSES DATE DATA.

(B) A BUSINESS IS IMMUNE FROM SUIT AND LIABILITY FOR DAMAGES ARISING OUT OF A DATE DATA PROBLEM IF THE BUSINESS HAS:

(1) PUBLISHED AND MADE AVAILABLE FOR PUBLIC COMMENT A COMPLIANCE PLAN;

(2) BEFORE OCTOBER 1, 1999, ADOPTED A COMPLIANCE PLAN; AND

(3) BEFORE DECEMBER 31, 1999, CERTIFIED BY THE CHIEF EXECUTIVE OFFICER, CHIEF ADMINISTRATIVE OFFICER, OR THE DESIGNEE OF EITHER OFFICER, THE IMPLEMENTATION OF THE COMPLIANCE PLAN.

(C) THE IMMUNITIES SET FORTH IN THIS SECTION ARE IN ADDITION TO ANY IMMUNITIES OR LIMITS ON LIABILITY OTHERWISE AVAILABLE TO A BUSINESS.”.

On page 3 of the Judicial Proceedings Committee Amendments, in line 2 of Amendment No. 2, after “in” insert “§ 5-427(a)(5) or”.