BY: Judicial Proceedings Committee

<u>AMENDMENTS TO HOUSE BILL NO. 901</u>
(Third Reading File Bill)

<u>AMENDMENT NO. 1</u>

At the top of page 1, strike "<u>EMERGENCY BILL</u>"; on page 1, in line 4, strike "the State or" and substitute "<u>a</u>"; in lines 4 and 5, strike "<u>under certain circumstances</u>"; in line 9, after the second "<u>or</u>" insert "<u>a</u>"; and strike beginning with "<u>making</u>" in line 10 down through "<u>Act:</u>" in line 11.

<u>AMENDMENT NO. 2</u>

On pages 2 through 4, strike in their entirety the lines beginning with line 1 on page 2 through line 36 on page 4, inclusive, and substitute:

"<u>Article - Courts and Judicial Proceedings</u>

<u>5-527.</u>

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

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

(3)   "DATE DATA" MEANS DATA THAT CONTAIN DATES OR TIMES OR BOTH.

(4)   "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.

(Over)

(5)   "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.

(6)   (I)   "LOCAL GOVERNMENT" HAS THE MEANING STATED IN § 5-301 OF THIS TITLE.

(II)   "LOCAL GOVERNMENT" INCLUDES A COUNTY BOARD OF EDUCATION AS DEFINED IN § 1-101 OF THE EDUCATION ARTICLE.

(7)   "STATE" MEANS THE STATE OF MARYLAND OR ANY OF ITS UNITS.

(B)   THE STATE OR A LOCAL GOVERNMENT OR AN OFFICIAL OR EMPLOYEE OF A LOCAL GOVERNMENT IS IMMUNE FROM SUIT AND LIABILITY FOR DAMAGES ARISING OUT OF A DATE DATA PROBLEM IF THE STATE OR LOCAL GOVERNMENT 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 THE STATE OR A LOCAL GOVERNMENT OR AN OFFICIAL OR EMPLOYEE OF THE STATE OR A LOCAL GOVERNMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall only apply to causes of action arising out of a date data problem, as defined in § 5-527(a)(4) of the Courts Article as enacted

by this Act, occurring before June 30, 2001.

      SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1999.".