

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 8

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “for Maryland government, business, commerce, and consumers”; in line 5, strike “products” and substitute “, products, or services”; in line 6, after “data” insert “problems”; strike beginning with the first “certain” in line 7 down through “documents” in line 10 and substitute “a certain affirmative defense”; in line 11, after “Act;” insert “providing for the termination of this Act;”; strike beginning with “for” in line 12 down through “consumers” in line 13; in line 14, strike “products” and substitute “, products, or services”; in the same line after “data” insert “problems under certain circumstances”; and in line 22, strike “21-107” and substitute “21-104”.

AMENDMENT NO. 2

On page 2, in line 10, strike “GOVERNMENTAL ENTITIES AND”; in lines 12 and 13, strike “GOVERNMENTAL ENTITIES OR”; strike in their entirety lines 20 through 22, inclusive, and substitute:

“(C) “COMPLIANCE PLAN” MEANS A WRITTEN PLAN TO INVENTORY, ASSESS, OBTAIN INFORMATION FROM CRITICAL SUPPLIERS, TEST, SCHEDULE REPAIRS, REMEDIATE, AND PROVIDE A CONTINGENCY PLAN OF ACTION RELATING TO, Y2K DATE DATA PROBLEMS IN INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS.

“(D) “CRITICAL INFORMATION TECHNOLOGY SYSTEM OR PRODUCT” MEANS AN INFORMATION TECHNOLOGY SYSTEM OR PRODUCT THE FAILURE OF WHICH MAY RESULT IN AN IMMINENT AND SUBSTANTIAL THREAT TO PUBLIC HEALTH OR SAFETY.”;

in lines 23, 28, and 35, strike “(D)”, “(E)”, and “(F)”, respectively, and substitute “(E)”, “(F)”, and “(G)”, respectively; in lines 29 and 30, strike “GOVERNMENTAL ENTITY OR”; and in lines 31

(Over)

and 33, in each instance, strike “GOVERNMENTAL ENTITY’S OR”.

AMENDMENT NO. 3

On page 3, in line 2, strike “AND”; in line 3, strike “BEFORE JANUARY 2, 2001,”; in line 5, after “SERVICE” insert “; AND

(3) DOES NOT CAUSE A Y2K DATE DATA PROBLEM”;

and after line 5, insert:

“(H) “Y2K DATE DATA PROBLEM” MEANS THE FAILURE, MALFUNCTION, OR INADEQUACY OF AN INFORMATION TECHNOLOGY SYSTEM, PRODUCT, OR SERVICE TO RECOGNIZE, PROCESS, DISTINGUISH, INTERPRET, OR ACCEPT CORRECTLY DATE DATA RELATING TO THE YEAR 2000, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING SPECIFIC DATES:

(1) AUGUST 22, 1999;

(2) SEPTEMBER 9, 1999;

(3) DECEMBER 31, 1999;

(4) JANUARY 1, 2000;

(5) JANUARY 3, 2000;

(6) JANUARY 10, 2000;

(7) FEBRUARY 29, 2000;

(8) OCTOBER 10, 2000; AND

(9) JANUARY 1, 2001.”.

AMENDMENT NO. 4

On page 3, in line 7, strike “SUBJECT TO SUBSECTION (B) OF THIS SECTION,”; in lines 8, 10, and 12 and 13, in each instance, strike “GOVERNMENTAL ENTITY OR”; in line 12, strike “WITH” and substitute “BETWEEN”; and in line 13, after “PERSON” insert “AND THE

PLAINTIFF".

AMENDMENT NO. 5

On page 3, strike in their entirety lines 17 through 26, inclusive; after line 30, insert:

“(C) THIS TITLE DOES NOT APPLY TO:

(1) A PRODUCTS LIABILITY ACTION AGAINST A MANUFACTURER FOR WRONGFUL DEATH OR PERSONAL INJURY; OR

(2) A CLAIM FOR WORKER’S COMPENSATION BENEFITS.”;

and in line 31, strike “21-104.” and substitute “21-103.”.

AMENDMENT NO. 6

On page 3, in line 33, strike “GOVERNMENTAL ENTITY OR”; and strike beginning with the colon in line 34 on page 3 through “PERSON,” in line 4 on page 4.

AMENDMENT NO. 7

On page 4, in line 5, after “IMPLEMENTED” insert “IN GOOD FAITH”; and strike beginning with “ACCORDANCE” in line 6 down through “ARTICLE” in line 7 and substitute “A MANNER THAT WOULD BE EXERCISED BY A REASONABLY PRUDENT PERSON UNDER THE SAME OR SIMILAR CIRCUMSTANCES”.

AMENDMENT NO. 8

On page 4, strike in their entirety lines 8 through 16, inclusive, and substitute:

“(B) IN DETERMINING WHETHER A PERSON MEETS THE STANDARD OF CARE DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION, THE TRIER OF FACT SHALL CONSIDER, AMONG OTHER ACTIONS, WHETHER THE PERSON COMPLETED THE FOLLOWING ITEMS IN ITS Y2K COMPLIANCE PLAN:

(1) INVENTORIED ITS INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS TO DETERMINE WHETHER THEY ARE YEAR 2000-READY;

(Over)

(2) IDENTIFIED CRITICAL INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS AND OBTAINED INFORMATION FROM ITS CRITICAL SUPPLIERS REGARDING THEIR Y2K COMPLIANCE PLANS;

(3) ASSESSED POTENTIAL Y2K DATE DATA PROBLEMS AND TESTED, IF PRACTICABLE, ITS CRITICAL INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS;

(4) INITIATED REASONABLE EFFORTS TO REMEDIATE Y2K DATE DATA PROBLEMS IN ITS INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS;

(5) REASONABLY REMEDIATED Y2K DATE DATA PROBLEMS IN ITS CRITICAL INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS; AND

(6) DEVELOPED A CONTINGENCY PLAN THAT SPECIFIED ACTIONS THAT SHALL BE TAKEN IF REMEDIATION FAILS.”.

AMENDMENT NO. 9

On page 4, in lines 18, 19, and 21, in each instance, strike “GOVERNMENTAL ENTITY OR”; in lines 25 and 26, strike “GOVERNMENTAL ENTITY’S OR”; strike in their entirety lines 27 through 36, inclusive; and in line 37, strike “21-105.” and substitute “21-104.”.

AMENDMENT NO. 10

On page 5, strike in their entirety lines 4 through 34, inclusive.

AMENDMENT NO. 11

On page 5, in line 36, after “prospectively” insert “to apply to causes of action arising out of a Y2K date data problem, as defined in § 21-101 (g) of the Commercial Law Article as enacted by this Act, occurring on or before January 2, 2001”.

AMENDMENT NO. 12

On page 6, strike in their entirety lines 13 through 18, inclusive; and in lines 19 and 22, strike

“5.” and “6.”, respectively, and substitute “4.” and “5.”, respectively.

AMENDMENT NO. 13

On page 6, in line 23, after “1999.” insert “It shall remain effective until January 2, 2004, and at the end of January 2, 2004, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.