HOUSE BILL 901

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By: **Delegates Montague, Amedori, Rosenberg, K. Kelly, Griffith, Vallario,
    and Boschert**
Introduced and read first time: February 12, 1999
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2   **Immunity - State and Local Governments - Year 2000 Litigation**

3 FOR the purpose of providing that the State or a local government or an official or
4   employee of the State or local government is immune from suit and liability for
5   damages arising out of certain date data problems if the State or local
6   government has taken certain actions; providing that the immunities under this
7   Act are in addition to any immunities or limits on liability otherwise available to
8   the State or a local government; defining certain terms; and generally relating
9   to State and local government immunity.

10 BY adding to
11   Article - Courts and Judicial Proceedings
12   Section 5-527
13   Annotated Code of Maryland
14   (1998 Replacement Volume)

15   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17   **Article - Courts and Judicial Proceedings**

18 5-527.

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

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

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

26   (4)   "DATE DATA PROBLEM" MEANS THE FAILURE, MALFUNCTION, OR
27 INADEQUACY OF AN INFORMATION TECHNOLOGY SYSTEM OR PRODUCT TO

1 RECOGNIZE, PROCESS, DISTINGUISH, INTERPRET, OR ACCEPT CORRECTLY DATE
2 DATA.

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

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

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

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

13   (B)   THE STATE OR A LOCAL GOVERNMENT OR AN OFFICIAL OR EMPLOYEE OF
14 THE STATE OR A LOCAL GOVERNMENT IS IMMUNE FROM SUIT AND LIABILITY FOR
15 DAMAGES ARISING OUT OF A DATE DATA PROBLEM IF THE STATE OR LOCAL
16 GOVERNMENT HAS:

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

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

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

23   (C)   THE IMMUNITIES SET FORTH IN THIS SECTION ARE IN ADDITION TO ANY
24 IMMUNITIES OR LIMITS ON LIABILITY OTHERWISE AVAILABLE TO THE STATE OR A
25 LOCAL GOVERNMENT.

26   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 1999.