
By: **Senators Hogan, Green, Middleton, Blount, Astle, Colburn, Collins,
Hoffman, DeGrange, Dorman, Ferguson, Jacobs, Lawlah, Ruben,
McFadden, Munson, Neall, Roesser, Mooney, Currie, Hafer, Hooper, and
Dyson**

Introduced and read first time: February 3, 1999
Assigned to: Judicial Proceedings

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

11 BY adding to
12 Article - Courts and Judicial Proceedings
13 Section 5-527
14 Annotated Code of Maryland
15 (1998 Replacement Volume)

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

18 **Article - Courts and Judicial Proceedings**

19 5-527.

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

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

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

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

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

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

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

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

17 (B) THE STATE OR A LOCAL GOVERNMENT IS IMMUNE FROM SUIT AND
18 LIABILITY FOR DAMAGES ARISING OUT OF A DATE DATA PROBLEM IF THE STATE OR
19 LOCAL GOVERNMENT HAS:

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

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

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

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

29 (D) THE IMMUNITIES SET FORTH IN THIS SECTION ARE IN ADDITION TO ANY
30 IMMUNITIES OR LIMITS ON LIABILITY OTHERWISE AVAILABLE TO THE STATE OR A
31 LOCAL GOVERNMENT.

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