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

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: March 24, 1999

CHAPTER_____

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

13 BY adding to
14   Article - Courts and Judicial Proceedings
15   Section 5-527
16   Annotated Code of Maryland
17   (1998 Replacement Volume)

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

1   **Article - Courts and Judicial Proceedings**

2 5-527.

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

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

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

10   (4)   "DATE DATA PROBLEM" MEANS THE FAILURE, MALFUNCTION, OR
11 INADEQUACY OF AN INFORMATION TECHNOLOGY SYSTEM ~~OR,~~ PRODUCT<u>, OR</u>
12 <u>PROCESS</u> TO RECOGNIZE, PROCESS, DISTINGUISH, INTERPRET, OR ACCEPT
13 CORRECTLY DATE DATA.

14   (5)   "INFORMATION TECHNOLOGY SYSTEM OR PRODUCT" INCLUDES ANY
15 SOFTWARE, FIRMWARE, MICROCODE, HARDWARE, EMBEDDED CHIPS, OR OTHER
16 SYSTEM ~~OR,~~ PRODUCT, <u>OR PROCESS,</u> OR ANY COMBINATION OF THOSE ITEMS, THAT
17 CREATES, READS, WRITES, CALCULATES, COMPARES, SEQUENCES, OR OTHERWISE
18 PROCESSES DATE DATA.

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

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

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

24   (B)   THE STATE OR A LOCAL GOVERNMENT <u>OR AN OFFICIAL OR EMPLOYEE OF</u>
25 <u>A LOCAL GOVERNMENT</u> IS IMMUNE FROM SUIT AND LIABILITY FOR DAMAGES
26 ARISING OUT OF A DATE DATA PROBLEM IF THE STATE OR LOCAL GOVERNMENT HAS:

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

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

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

33   (C)   ~~AN OFFICIAL OR EMPLOYEE OF THE STATE OR A LOCAL GOVERNMENT IS~~
34 ~~IMMUNE FROM SUIT AND LIABILITY FOR DAMAGES ARISING OUT OF A DATE DATA~~
35 ~~PROBLEM.~~

1   (D)   THE IMMUNITIES SET FORTH IN THIS SECTION ARE IN ADDITION TO ANY
2 IMMUNITIES OR LIMITS ON LIABILITY OTHERWISE AVAILABLE TO THE STATE OR A
3 LOCAL GOVERNMENT OR AN OFFICIAL OR EMPLOYEE OF THE STATE OR A LOCAL
4 GOVERNMENT.

5   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall only apply
6 to causes of action arising out of a date data problem, as defined in § 5-527(a)(4) of
7 the Courts Article as enacted by this Act, occurring before January 1, 2002 June 30,
8 2001.

9   SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect July 1, 1999.