

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 54
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 3, insert:

“(C) SUBSECTION (D) OF THIS SECTION DOES NOT APPLY TO A TORT CLAIM THAT IS ASSERTED BY CROSS-CLAIM, COUNTERCLAIM, OR THIRD-PARTY CLAIM.”.

AMENDMENT NO. 2

On page 2, in line 4, strike “(C)” and substitute “(D)”; in line 6, after “WRITTEN” insert “NOTICE OF”; in line 10, strike “FINALLY”; in line 13, strike “(D)” and substitute “(E)”; in the same line, strike “TORT” and substitute “NOTICE OF”; strike beginning with “DEMAND” in line 16 down through “(3)” in line 17; in line 17, strike “EACH PARTY” and substitute “THE CLAIMANT”; in lines 18 and 20, strike “(4)” and “(5)”, respectively, and substitute “(3)” and “(4)”, respectively; in line 22, strike “(E)” and substitute “(F)”; in the same line, strike “FINALLY”; strike beginning with “, BY” in line 23 down through “SERVICE,” in line 24; in line 29, strike “FINAL DECISION” and substitute “DENIAL”; and in the same line, strike “FILING OF THE” and substitute “SENDING OF THE NOTICE OF”.

AMENDMENT NO. 3

On page 2, after line 30, insert:

“(G) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, UNLESS THE ADMINISTRATION AFFIRMATIVELY SHOWS THAT ITS DEFENSE HAS BEEN PREJUDICED BY THE LACK OF THE REQUIRED NOTICE, A COURT MAY ALLOW THE ACTION TO PROCEED EVEN IF THE WRITTEN NOTICE OF CLAIM WAS NOT SUBMITTED.”.