

SB0765/918972/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 765
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Hough,”; in the same line, after “Lee,” insert “Muse, Ramirez,”; in the same line, strike “and Young” and substitute “Young, and Zirkin”; in line 2, strike “Blindness” and substitute “Disability”; strike beginning with “establishing” in line 4 down through “regulations;” in line 23; in lines 24, 26, 28, and 29, in each instance, strike “blindness” and substitute “disability”; in line 25, strike “clear and convincing”; and in line 29, strike “defining a certain term;” and substitute “altering the definition of “disability” in certain provisions of law; providing for the construction of “disability” in certain provisions of law;”.

On page 2, in line 5, strike “and (g)”; after line 7, insert:

“BY repealing and reenacting, without amendments,
Article - Courts and Judicial Proceedings
Section 3-819.2(g)
Annotated Code of Maryland
(2013 Replacement Volume and 2015 Supplement)”;

in line 10, strike “(d), and (j),”; and in line 16, after “5-3A-35(a)” insert “and 5-525(d) and (i)”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 7 on page 3, inclusive, and substitute:

**“A. A PHYSICAL OR MENTAL IMPAIRMENT THAT
SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE
ACTIVITIES;**

(Over)

B. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES; OR

C. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES.

2. "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325."

On page 4, in line 12, strike the brackets; and strike beginning with "THE" in line 12 down through the period in line 13.

On pages 4 and 5, strike in their entirety the lines beginning with line 14 on page 4 through line 8 on page 5, inclusive, and substitute:

"(I) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES;

(II) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES; OR

(III) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES.

(2) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.”.

On page 6, in line 6, strike the brackets; and strike beginning with “THE” in line 6 down through the period in line 7.

On pages 6 and 7, strike in their entirety the lines beginning with line 8 on page 6 through line 2 on page 7, inclusive, and substitute:

“1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(II) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.”.

On page 7, in line 25, strike the brackets; and strike beginning with “THE” in line 25 down through the period in line 26.

On pages 7 and 8, strike in their entirety the lines beginning with line 27 on page 7 through line 20 on page 8, inclusive, and substitute:

(Over)

“1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(II) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.”.

On page 9, in line 11, strike the brackets; and strike beginning with “THE” in line 11 down through the period in line 12.

On pages 9 and 10, strike in their entirety the lines beginning with line 13 on page 9 through line 8 on page 10, inclusive, and substitute:

“1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(II) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.”

On page 11, in line 1, strike the brackets; strike beginning with “THE” in line 1 down through the period in line 2; and strike in their entirety lines 3 through 25, inclusive, and substitute:

“1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(II) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.”

On page 12, in line 13, strike the brackets; and strike beginning with “THE” in line 13 down through the period in line 14.

(Over)

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On pages 12 and 13, strike in their entirety the lines beginning with line 15 on page 12 through line 10 on page 13, inclusive, and substitute:

“(I) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

(II) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

(III) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(2) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325.”.

On pages 15 and 16, strike in their entirety the lines beginning with line 15 on page 15 through line 3 on page 16, inclusive, and substitute:

“1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES.

(II) "DISABILITY" SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110-325."

AMENDMENT NO. 3

On page 3, in line 8, strike the brackets; and strike beginning with "SUBJECT" in line 8 down through "IN" in line 9.

On pages 3 and 4, strike in their entirety the lines beginning with line 14 on page 3 through line 10 on page 4, inclusive.

On page 5, in line 9, strike "(1)"; in the same line, strike the brackets; and strike beginning with "SUBJECT" in line 9 down through "IN" in line 10.

On pages 5 and 6, strike in their entirety the lines beginning with line 14 on page 5 through line 3 on page 6, inclusive.

On page 7, in line 3, strike "(I)"; in lines 5 and 7, in each instance, strike the brackets; in the same lines strike "1." and "2.", respectively; and strike in their entirety lines 8 through 18, inclusive.

On page 8, in line 21, strike "(I)"; in lines 22 and 24, in each instance, strike the brackets; and in the same lines, strike "1." and "2.", respectively.

On pages 8 and 9, strike in their entirety the lines beginning with line 25 on page 8 through line 6 on page 9, inclusive.

(Over)

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On page 10, in line 9, strike “**(I)**”; in lines 11 and 13, in each instance, strike the brackets; in the same lines, strike “**1.**” and “**2.**”, respectively; and strike in their entirety lines 14 through 24, inclusive.

On page 11, in line 26, strike “**(I)**”; in lines 28 and 29, in each instance, strike the brackets; and in the same lines, strike “**1.**” and “**2.**”, respectively.

On page 12, strike in their entirety lines 1 through 11, inclusive.

On pages 13 and 14, strike in their entirety the lines beginning with line 23 on page 13 through line 3 on page 14, inclusive.

On page 14, in line 9, strike “**(I)**”; and strike beginning with “**AND**” in line 13 down through the semicolon in line 24.

AMENDMENT NO. 4

On page 16, in line 5, strike “**A BLIND INDIVIDUAL**” and substitute “**AN INDIVIDUAL WITH A DISABILITY**”; in the same line, strike “**NONVISUAL**”; in line 6, strike “**OTHER ALTERNATIVE**”; in line 8, strike “**IS NOT BLIND**” and substitute “**DOES NOT HAVE A DISABILITY, INCLUDING NONVISUAL TECHNIQUES FOR INDIVIDUALS WHO ARE BLIND**”; strike beginning with the opening bracket in line 9 down through “**(II)**” in line 14; in lines 15, 18, 20, 24, and 26, in each instance, strike “**BLINDNESS**” and substitute “**DISABILITY**”; in line 16, strike “**CLEAR AND CONVINCING**”; in lines 18, 22, and 26, strike “**(III)**”, “**(IV)**”, and “**(V)**”, respectively, and substitute “**(2)**”, “**(3)**”, and “**(4)**”, respectively; in line 20, strike “**BY CLEAR AND CONVINCING EVIDENCE**”; in line 22, strike “**BLIND**”; in the same line, after “**PARTY**” insert “**WHO HAS A DISABILITY**”; and in lines 29 and 30, strike “**1.**” and “**2.**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively.