



Bill Number: S.B. 1336

McComish Floor Amendment

Reference to: printed bill

Amendment drafted by: Jennifer Thomsen

FLOOR AMENDMENT EXPLANATION

The McComish floor amendment to S.B. 1336:

- **Stipulates that a product, activity or service is considered sold when it is delivered or provided to the end user, even if payment is not made until later.**
- **Excludes the claimant from the liability damages exemption if, after the product was sold, a government agency found that the manufacturer, service provider or seller knowingly violated applicable regulations which required the reporting of risks of harm to that government agency and the unreported information was material and relevant to the harm that the claimant allegedly suffered.**
- **Makes technical and clarifying changes.**

Amendment explanation prepared by Jennifer Thomsen

2/23/2012

MCCOMISH FLOOR AMENDMENT

SENATE AMENDMENTS TO S.B. 1336

(Reference to printed bill)

- 1 Page 1, line 10, after the comma insert “CONDITIONAL APPROVAL, CLEARANCE,”
2 Line 25, after “PRODUCT” insert “, ACTIVITY”; strike “OR ENGAGED IN ANY
3 ACTIVITY”
4 Line 28, after “PRODUCT” insert “, ACTIVITY”
5 Line 29, after the period insert “FOR THE PURPOSES OF THIS SUBSECTION, A
6 PRODUCT, ACTIVITY OR SERVICE IS SOLD WHEN IT IS DELIVERED OR PROVIDED TO THE
7 END USER, EVEN IF PAYMENT IS NOT MADE UNTIL LATER.”
8 Line 30, after “REGULATIONS” insert “AS DETERMINED BY FINAL ACTION OF THE
9 GOVERNMENT AGENCY”
10 Line 33, after the period insert “FOR THE PURPOSES OF THIS SUBSECTION, A
11 PRODUCT, ACTIVITY OR SERVICE IS SOLD WHEN IT IS DELIVERED OR PROVIDED TO THE
12 END USER, EVEN IF PAYMENT IS NOT MADE UNTIL LATER.”
13 Between lines 36 and 37, insert:
14 “4. AFTER THE PRODUCT WAS SOLD OR THE SERVICE WAS PROVIDED, A
15 GOVERNMENT AGENCY FOUND THAT THE MANUFACTURER, SERVICE PROVIDER OR SELLER
16 KNOWINGLY VIOLATED APPLICABLE REGULATIONS REQUIRING THE REPORTING OF RISKS OF
17 HARM TO THAT GOVERNMENT AGENCY AND THE UNREPORTED INFORMATION WAS MATERIAL
18 AND RELEVANT TO THE HARM THAT THE CLAIMANT ALLEGEDLY SUFFERED.”
19 Page 2, line 30, after the period strike remainder of line
20 Strike line 31
21 Amend title to conform

2/22/12
3:28 PM
S: JT/tf