

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gardner

1 Amend the Business, Labor, & Technology Committee Report, dated
2 February 20, 2019, page 2, strike lines 7 through 10.

3 Amend printed bill, page 44, line 16, strike "(1)".

4 Amend printed bill, page 44, strike lines 24 through 27.

5 Amend printed bill, page 45, strike line 1.

6 Amend printed bill, page 92, after 19 insert:

7 **"38-13-1408. Indemnification for breach.** (1) IF A CLAIM IS
8 MADE OR ACTION COMMENCED ARISING OUT OF AN EVENT DESCRIBED IN
9 SECTION 38-13-1407 (1) RELATING TO CONFIDENTIAL INFORMATION
10 POSSESSED BY AN ADMINISTRATOR'S AGENT, THE ADMINISTRATOR'S AGENT
11 SHALL INDEMNIFY, DEFEND, AND HOLD HARMLESS A HOLDER AND THE
12 HOLDER'S AFFILIATES, OFFICERS, DIRECTORS, EMPLOYEES, AND AGENTS AS
13 TO:

14 (a) ANY CLAIM OR ACTION; AND

15 (b) A LIABILITY, OBLIGATION, LOSS, DAMAGE, COST, FEE, PENALTY,
16 FINE, SETTLEMENT, CHARGE, OR OTHER EXPENSE, INCLUDING REASONABLE
17 ATTORNEY'S FEES AND COSTS, ESTABLISHED BY THE CLAIM OR ACTION.

18 (2) THE ADMINISTRATOR SHALL REQUIRE AN ADMINISTRATOR'S
19 AGENT THAT WILL RECEIVE CONFIDENTIAL INFORMATION REQUIRED UNDER
20 THIS ARTICLE 13 TO MAINTAIN ADEQUATE INSURANCE FOR
21 INDEMNIFICATION OBLIGATIONS OF THE ADMINISTRATOR'S AGENT UNDER
22 SUBSECTION (1) OF THIS SECTION. THE AGENT REQUIRED TO MAINTAIN THE
23 INSURANCE SHALL PROVIDE EVIDENCE OF THE INSURANCE TO:

24 (a) THE ADMINISTRATOR NOT LESS FREQUENTLY THAN ANNUALLY;
25 AND

26 (b) THE HOLDER ON COMMENCEMENT OF AN EXAMINATION AND
27 ANNUALLY THEREAFTER UNTIL ALL CONFIDENTIAL INFORMATION IS
28 RETURNED OR DESTROYED UNDER SECTION 38-13-1406 (5).".

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