

AMENDMENT TO REPORT OF THE COMMITTEE OF THE WHOLE

SB004_S.002

DATE 8/24/2025

Senator Rodriguez moved to amend the Report of the Committee of the Whole to show that the following Rodriguez floor amendment, (L.023) to SB25B-004, did not pass.

Amend printed bill, page 9, line 13, strike "NOTWITHSTANDING" and substitute "ON AND AFTER THE EFFECTIVE DATE OF THIS PART 17, AS AMENDED, IN ANY CASE IN WHICH A DEPLOYER IS LIABLE FOR A VIOLATION OF LAW FACILITATED BY THE DEPLOYER'S USE OF AN ALGORITHMIC DECISION SYSTEM, THE DEVELOPER OF THE ALGORITHMIC DECISION SYSTEM IS JOINTLY AND SEVERALLY LIABLE WITH THE DEPLOYER FOR THE VIOLATION IF:

(a) THE DEPLOYER USED THE ALGORITHMIC DECISION SYSTEM FOR ITS INTENDED OR ADVERTISED PURPOSE;

(b) THE DEPLOYER USED THE ALGORITHMIC DECISION SYSTEM IN A MANNER INTENDED OR REASONABLY ANTICIPATED BY THE DEVELOPER; AND

(c) THE OUTPUT OF THE ALGORITHMIC DECISION SYSTEM WAS NOT MATERIALLY ALTERED BY DATA THAT THE DEPLOYER PROVIDED AND THAT INVOLVED THE DEPLOYER'S INDEPENDENT JUDGMENT OR DISCRETION.

(2) A PERSON HELD JOINTLY AND SEVERALLY LIABLE PURSUANT TO THIS SECTION HAS A RIGHT OF CONTRIBUTION FROM ANOTHER PERSON FOUND JOINTLY AND SEVERALLY LIABLE. IF A VIOLATION IS FOUND BY THE JURY OR, IN THE ABSENCE OF A JURY, BY THE COURT, THE JURY SHALL RETURN A SPECIAL VERDICT OR, IN THE ABSENCE OF A JURY, THE COURT SHALL MAKE SPECIAL FINDINGS DETERMINING THE PERCENTAGE OF FAULT ATTRIBUTABLE TO THE DEVELOPER AND DEPLOYER."

Page 9, strike lines 14 through 27.

Page 10, strike line 1.

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