

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Rodriguez

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

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

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

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

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

23 Page 9, strike lines 14 through 27.

24 Page 10, strike line 1.

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