	Bill No. <u>SB 412</u>
	Amendment No Barcode 100550
	CHAMBER ACTION
[Senate House
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11	Senator Bronson moved the following amendment:
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13	Senate Amendment (with title amendment)
14	On page 4, between lines 4 and 5,
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16	insert:
17	Section 2. (1) Except as permitted by this section, a
18	legal action against a manufacturer, trade association,
19	distributor, or dealer on behalf of the state or its agencies
20	and instrumentalities, or on behalf of a county, municipality,
21	special district, or any other political subdivision or agency
22	of the state, for damages, abatement, or injunctive relief
23	resulting from or arising out of the lawful design, marketing,
24	distribution, or sale of a lawful product to the public is
25	prohibited. However, this prohibition does not infringe upon
26	the right of a natural person to sue a manufacturer, trade
27	association, distributor, or dealer in any other capacity.
28	(2) A county, municipality, special district, or other
29	political subdivision or agency of the state may not sue for
30	or recover from a manufacturer, trade association,
31	distributor, or dealer damages, abatement, or injunctive
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relief in any case that arises out of or results from the 1 lawful design, marketing, distribution, or sale of a lawful 2 3 product to the public. 4 (3) This section does not prohibit an action against a 5 manufacturer, distributor, or dealer for: 6 (a) Breach of contract or warranty in connection with 7 a product purchased by a county, municipality, special district, or other political subdivision or agency of the 8 9 state. 10 (b) Injuries resulting from a defective product. (4)(a) If a civil action is brought in violation of 11 12 this section, the defendant may recover all expenses resulting from such action from the governmental entity bringing such 13 14 action. 15 (b) In any civil action where the court finds that the defendant is immune as provided in this section, the court 16 17 shall award the defendant all attorney's fees, costs and 18 compensation for loss of income, and expenses incurred as a result of such action. 19 (5) This section applies to any action brought on or 20 21 after the effective date of this section. 22 23 (Redesignate subsequent sections.) 24 25 26 27 And the title is amended as follows: On page 1, line 25, after the semicolon 28 29 30 insert: prohibiting a legal action on behalf of the 31 2 3:20 PM 04/03/01 s0412c-18c3j

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1 state or other political subdivisions against a
2 manufacturer, trade association, distributor,
3 or dealer for damages arising out of the
4 marketing or sale of a lawful product;
5 providing for actions for breach of contract or
6 warranty; providing for actions for injuries
7 resulting from a defective product; providing
8 for an award of attorney's fees and
9 compensation for loss of income if the court
10 finds the defendant is immune as provided by
11 the act; providing for application of the act;
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