

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Transportation & Modals  
2 Subcommittee

3 Representative Tuck offered the following:

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5 **Amendment (with title amendment)**

6 Remove lines 28-50 and insert:

7 ~~employees~~ performing such services, is ~~shall be~~ considered an  
8 agent ~~agents~~ of the Department of Transportation while acting  
9 within the scope of the firm's contract with the Department of  
10 Transportation to ensure that the project is constructed in  
11 conformity with the project's plans, specifications, and  
12 contract provisions. This paragraph applies to a professional  
13 firm that is in direct contract with the Department of  
14 Transportation, as well as any professional firm providing  
15 monitoring and inspection services as a consultant to the  
16 professional firm that is in direct contract with the Department

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17 of Transportation. Any contract with a ~~between the~~ professional  
18 firm must ~~and the state,~~ to the extent permitted by law, ~~shall~~  
19 provide for the indemnification of the department for any  
20 liability, including reasonable attorney ~~attorney's~~ fees,  
21 incurred up to the limits set out in this chapter to the extent  
22 caused by the negligence of the firm or its employees. This  
23 paragraph may ~~shall~~ not be construed as designating persons who  
24 provide monitoring and inspection services as employees or  
25 agents of the state for purposes of chapter 440. This paragraph  
26 is not applicable to the professional firm or its employees if  
27 involved in an accident while operating a motor vehicle. This  
28 paragraph is not applicable to a firm engaged by the Department  
29 of Transportation for the

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**T I T L E   A M E N D M E N T**

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Remove lines 10-11 and insert:

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permitted by law, provide indemnity to the Department

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of Transportation; providing applicability;