

# S.B. 50

## DEPARTMENT OF TRANSPORTATION LIABILITY AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 6, 2013 8:52 AM

Representative **Derek E. Brown** proposes the following amendments:

1. *Page 1, Lines 13 through 21*

*Senate 2nd Reading Amendments*

*2-15-2013:*

13 This bill:

14  $\hat{S} \rightarrow \{+\}$  provides that the Department of Transportation shall exercise reasonable care in  
15 designing, constructing, and maintaining a state highway in a reasonably safe  
16 condition for travel;  $\{+\}$   $\leftarrow \hat{S}$

17 provides that nothing in the Department of Transportation's defined responsibilities  
18 shall be construed as  $\hat{S} \rightarrow \{+\}$  :

19 • creating a private right of action; or

20 •  $\{+\}$   $\leftarrow \hat{S}$  expanding or changing the department's common law duty for liability purposes;

21 and

2. *Page 3, Lines 60 through 65a*

*Senate 2nd Reading Amendments*

*2-15-2013:*

60 (2)  $\hat{S} \rightarrow \{+\}$  (a) The department shall exercise reasonable care in designing, constructing, and  
61 maintaining a state highway in a reasonably safe condition for travel.

62 (b) Nothing in this section shall be construed as:

63 (i) creating a private right of action; or

64 (ii) expanding or changing the department's common law duty as described in

65 Subsection (2)(a) for liability purposes.  $\{+\}$  {~~Nothing in this section shall be construed as~~  
expanding-or

65a changing the department's common law duty of care for liability purposes.  $\leftarrow \hat{S}$  }