



Bill Number: S.B. 1092

Leach Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

- 1. Specifies that the seller of a product must have had actual knowledge of a change in the product's condition from when the product left the manufacturer's possession in order to be held liable in a product liability action.**
- 2. Specifies that, in order for the seller of a product to be held liable in a product liability action, the seller must have failed to convey labels, warnings or instructions to the consumer that were intended to be placed on or distributed with the product at issue**
- 3. that the seller actually received before selling the product.**
- 4. Removes the requirement that a manufacturer indemnify the seller for any judgement rendered against the seller in a product liability action where the manufacturer refuses to accept a tender of defense from the seller.**

Amendment explanation prepared by Zack Dean

LEACH FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1092
(Reference to printed bill)

- 1 Page 1, line 29, after "AND" insert "THE SELLER HAD ACTUAL KNOWLEDGE OF"; after
2 "CONDITION" strike remainder of line
3 Line 30, strike "SELLER"; after "AND" insert "THAT CHANGE"
4 Strike lines 32 through 36, insert:
5 "5. THE SELLER FAILED TO EXERCISE REASONABLE CARE:
6 (a) IN EITHER:
7 (i) ASSEMBLING, MAINTAINING OR REPAIRING THE PRODUCT AT ISSUE.
8 (ii) CONVEYING TO THE CONSUMER THE LABELS, WARNINGS OR INSTRUCTIONS
9 THAT WERE INTENDED TO BE PLACED ON OR DISTRIBUTED WITH THE PRODUCT AT ISSUE
10 THAT THE SELLER ACTUALLY RECEIVED BEFORE SELLING THE PRODUCT AT ISSUE.
11 (b) AND THE ACT DESCRIBED IN ITEM (i) OR (ii) OF THIS SUBDIVISION
12 WAS A SUBSTANTIAL CAUSE OF THE INCIDENT GIVING RISE TO THE ACTION."
13 Page 2, line 1, after "SHALL" strike remainder of line
14 Line 2, strike "RENDERED AGAINST THE SELLER AND SHALL ALSO"
15 Amend title to conform

VINCE LEACH

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