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SENATE FLOOR AMENDMENTS

2016 Regular Session

Amendments proposed by Senator Milkovich to Engrossed Senate Bill No. 227 by Senator Colomb

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1 AMENDMENT NO. 1

2 On page 1, line 6, after "Act;" insert "to provide for indemnification to the state; to provide  
3 for compliance for international private contractors; to provide for damages;"

4 AMENDMENT NO. 2

5 On page 3, between 17 and 18, insert the following:

6 "(7) Any private contractor who contracts with the department to  
7 provide services in compliance with this Subsection shall agree, in writing, to  
8 indemnify and hold harmless the state of Louisiana from suits, actions,  
9 damages, and costs relating to personal injury and damages to property caused  
10 by the contractor, its agents, employers, partners, or subcontractors in the  
11 performance of the contract.

12 (8) Any private contractor who contracts to provide computer, data  
13 collection services, or facial recognition software to the department shall  
14 provide a written plan of action to the department and the house and senate  
15 committees on transportation, highways and public works as to how and by  
16 what means the private contractor intends to protect the data of persons who  
17 are obtaining a driver's license or special identification card if any of the  
18 following apply:

19 (a) The contractor is owned, in whole or in part, by any foreign  
20 government or government other than the United States of America.

21 (b) The contractor is a subsidiary business or subsidiary corporation  
22 which is owned in whole or in part by any foreign government or government  
23 other than the United States of America.

24 (c) The contractor has offices in any country other than the United  
25 States of America.

26 (d) The contractor stores data on servers or can access the data or  
27 Louisiana residents who obtain licenses or special identification cards in its  
28 offices in any country other than the United States of America.

29 (9)(a) Any private contractor who contacts with the department to  
30 provide services in compliance with the Subsection shall be liable for identity  
31 theft to any individual holder of a Louisiana driver's license or special  
32 identification card where the identity theft is based upon a data breach which  
33 is caused by the negligence or by the willful and wanton actions of the private  
34 contractor.

35 (b) The individual shall have standing to sue in a district court where the  
36 individual resides and shall be entitled to damage of at least five thousand  
37 dollars for each violation plus reasonable attorney fees."

38 AMENDMENT NO. 3

39 On page 3, line 18, change "(7)" to "(8)"