

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Horner offered the following:

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3 **Substitute Amendment for Amendment (344949) (with title**
4 **amendment)**

5 Remove lines 40-54 and insert:

6 (b) In addition to the authority granted in paragraph (a),
7 natural guardians are authorized, on behalf of any of their
8 minor children, to waive and release, in advance, any claim or
9 cause of action that would accrue to any of their minor children
10 to the same extent that any adult may do so on his or her own
11 behalf. Waivers and releases under this paragraph are disfavored
12 and must be strictly construed against a party claiming to be
13 relieved of liability due to such a waiver and release. Such
14 waivers and releases are enforceable only where and to the
15 extent that the intention to be relieved of liability was made
16 clear and unequivocal in the waiver and release and the wording

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Approved For Filing: 4/23/2009 4:58:15 PM

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17 of the waiver and release was so clear and understandable that
18 an ordinary and knowledgeable person would know what he or she
19 would be contracting away. No such waiver and release shall
20 relieve a released party of liability for the released party's
21 negligent hiring of an employee who may have contact with minors
22 and who appears in a database of sexual predators and sexual
23 offenders maintained by the Department of Law Enforcement or the
24 United States Department of Justice. Nothing in this paragraph
25 shall be construed to allow such a waiver and release for
26 illegal acts.

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30 **T I T L E A M E N D M E N T**

31 Remove line 11 and insert:

32 providing that such waiver and release shall not relieve a party
33 of liability for the party's negligent hiring of an employee who
34 may have contact with minors and who appears in specified
35 databases of sexual predators and sexual offenders; providing
36 that such a waiver and release may not be