



234580

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/15/2009	.	
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The Committee on Judiciary (Baker) recommended the following:

1           **Senate Substitute for Amendment (168024) (with title**  
2 **amendment)**

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4           Delete lines 54 - 60  
5 and insert:

6           (b) In addition to the authority granted in paragraph (a),  
7 natural guardians, on behalf of any of their minor children, may  
8 waive and release, in advance, any claim or cause of action that  
9 would accrue to any of their minor children to the same extent  
10 that an adult may do so on his or her own behalf. A waiver and  
11 release authorized under this paragraph is disfavored and must  
12 be strictly construed against a party claiming to be relieved of



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13 liability due to the waiver and release. Such waiver and release  
14 is enforceable only if the intention to be relieved of liability  
15 is stated clearly and unequivocally in the waiver and release,  
16 and in a manner that an ordinary and knowledgeable person would  
17 know what he or she is contracting away. This paragraph does not  
18 authorize a waiver and release for illegal acts.

19  
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete line 11

23 and insert:

24 behalf; providing for such a waiver and release to be strictly  
25 construed against the party claiming relief from liability;  
26 providing for enforceability; providing that illegal acts may  
27 not be waived and released under these provisions; providing an  
28 effective date.