

~~(2) CAN EVIDENCE A PLAN TO MAKE ITS PRODUCTS AND SERVICES TO BE YEAR 2000 READY; AND~~

~~(3) HAS CONTACTED ITS CRITICAL SUPPLIERS TO DETERMINE WHETHER THEY HAVE YEAR 2000 READINESS PLANS.~~

(B) IN DETERMINING WHETHER A PERSON MEETS THE STANDARD OF CARE DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION, THE TRIER OF FACT SHALL CONSIDER, AMONG OTHER ACTIONS, WHETHER THE PERSON COMPLETED THE FOLLOWING ITEMS IN ITS Y2K COMPLIANCE PLAN:

(1) INVENTORIED ITS INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS TO DETERMINE WHETHER THEY ARE YEAR 2000-READY;

(2) IDENTIFIED CRITICAL INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS AND OBTAINED INFORMATION FROM ITS CRITICAL SUPPLIERS REGARDING THEIR Y2K COMPLIANCE PLANS;

(3) ASSESSED POTENTIAL Y2K DATE DATA PROBLEMS AND TESTED, IF PRACTICABLE, ITS CRITICAL INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS;

(4) INITIATED REASONABLE EFFORTS TO REMEDIATE Y2K DATE DATA PROBLEMS IN ITS INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS;

(5) REASONABLY REMEDIATED Y2K DATE DATA PROBLEMS IN ITS CRITICAL INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS; AND

(6) DEVELOPED A CONTINGENCY PLAN THAT SPECIFIED ACTIONS THAT SHALL BE TAKEN IF REMEDIATION FAILS.

(C) THE FAILURE OF A SOLUTION PROVIDER TO PROVIDE AN EXPRESS WARRANTY ON WHICH A ~~GOVERNMENTAL ENTITY OR PERSON~~ MAY RELY MAY NOT BE CONSTRUED AS A FAILURE OF THE ~~GOVERNMENTAL ENTITY OR PERSON~~ TO COMPLY WITH THE STANDARD SET OUT UNDER SUBSECTION (A) OF THIS SECTION IF THE SOLUTION PROVIDER REPRESENTS TO THE ~~GOVERNMENTAL ENTITY OR PERSON~~ THAT:

(1) THE SOLUTION PROVIDER OR ANY OF ITS INFORMATION TECHNOLOGY SYSTEMS OR PRODUCTS ARE YEAR 2000-READY; OR

(2) THE SOLUTION PROVIDER WILL MAKE THE ~~GOVERNMENTAL ENTITYS OR PERSON'S~~ PRODUCTS OR SERVICES YEAR 2000-READY.

~~(D) A DIRECTOR OR OFFICER OF A CORPORATION OR ANY PERSON DULY AUTHORIZED TO DIRECT OR GOVERN THE ACTIVITIES OF A PARTNERSHIP, ASSOCIATION, UNINCORPORATED ASSOCIATION, OR ANY OTHER ENTITY THAT IS NOT A CORPORATION IS NOT PERSONALLY LIABLE FOR DAMAGES RESULTING FROM THE FAILURE OF THE CORPORATION OR OTHER ENTITY TO BECOME YEAR 2000 READY IF THAT DIRECTOR, OFFICER, OR OTHER PERSON HAS DETERMINED AND IMPLEMENTED ACTIONS NECESSARY FOR THE CORPORATION OR OTHER ENTITY TO~~