

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 8.01-418.3, relating to Year 2000*
 3 *assessments and documents not actionable.*

4 [H 1663]
 5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 8.01-418.3 as follows:**

8 *§ 8.01-418.3. Year 2000 assessments and documents not actionable.*

9 *A. For purposes of this section, unless the context requires a different meaning:*

10 *"Document" means information collected, generated, or developed in the course of, and in the*
 11 *planning for, a Year 2000 assessment, which is clearly marked as such on the face of the document, and*
 12 *includes, but is not limited to, interview notes, audits, records of inspections, findings, opinions,*
 13 *suggestions, conclusions, drafts, memoranda, electronic mail messages, charts, test data, drawings,*
 14 *electronic data, photographs, videotape, computer-generated or electronically recorded information, and*
 15 *surveys. "Document" shall not include information generated or developed prior to the commencement*
 16 *or after the conclusion of a Year 2000 assessment.*

17 *"Year 2000 assessment" means a voluntary evaluation of the Year 2000 processing capabilities of the*
 18 *technology systems any person owns or uses. The assessment shall be or have been performed between*
 19 *January 1, 1996, and July 1, 2000; designed to solve a Year 2000 problem or avert a Year 2000*
 20 *failure; and conducted at the person's request by the person's employees or an independent contractor.*

21 *"Year 2000 problem" or "Year 2000 failure" means any computing, physical, enterprise, or*
 22 *distribution system complication that has occurred or may occur as a result of the change of the year*
 23 *from 1999 to 2000 in any person's technology system, including, without limitation, computer hardware,*
 24 *programs, software, or systems; embedded chip calculations or embedded systems; firmware;*
 25 *microprocessors; or management systems, business processes, or computing applications that govern,*
 26 *utilize, drive, or depend on the Year 2000 processing capabilities of the person's technology systems.*
 27 *Such complications may include the common computer programming practice of using a two-digit field*
 28 *to represent a year, resulting in erroneous date calculations; an ambiguous interpretation of the term or*
 29 *field "00"; the failure to recognize 2000 as a leap year; algorithms that use "99" or "00" to activate*
 30 *another function; or the use of any other applications, software, or hardware that are date-sensitive.*

31 *"Year 2000 processing" means the processing, calculating, comparing, sequencing, displaying,*
 32 *storing, transmitting, or receiving of date or date-sensitive data from, into, and between the twentieth*
 33 *and twenty-first centuries, during the years 1999 and 2000, and leap year calculations.*

34 *B. No cause of action shall lie against a person solely on account of a Year 2000 assessment or*
 35 *document. In any and all other causes of action, Year 2000 assessments and documents shall not be*
 36 *considered confidential and shall be discoverable or admissible in evidence to the extent permitted*
 37 *under applicable laws and rules of evidence and procedure.*