

liability I have a problem. I know in my job as a track inspector on the railroad, I am personally liable for neglect. If I see something that needs fixed and I don't have it fixed, I am personally liable to federal fines. I agreed to that. I said that is fine. My job is an inspector, I encouraged it in Washington. My job is an inspector for the safety of the traveling public and the safety of the public living around the railroad tracks, that is fine. I'll take the pressure since that it is my job, I should never intentionally neglect a repair. Would that...Senator Kristensen, could the county if they saw bridge defects and didn't get them repaired right away, would this remove them from liability?

SENATOR KRISTENSEN: No, because they own the bridges.

SENATOR MORRISSEY: Okay, so where...under what circumstances would they be removed from liability then?

SENATOR KRISTENSEN: On those claims, based on a failure to inspect or negligently inspect property owned and property owned or leased to them. A wide variety of other inspections.

SENATOR MORRISSEY: Examples of that property leased.

SENATOR KRISTENSEN: Fire codes, plumbing codes, etcetera, etcetera.

SENATOR MORRISSEY: Okay, so if they are negligent in their inspection of things they didn't own, or if they did not do the inspections and something happened, a tragedy, whatever, they would not be negligent in that.

SENATOR KRISTENSEN: Unless they had reasonable notice or if they had an inspection and failed to do it that caused a reckless disregard for public health and safety. It is not a total immunity, because there are conditions.

SENATOR MORRISSEY: It is an immunity that is subject to interpretation, in other words.

SENATOR KRISTENSEN: Senator Morrissey, that is the way with every tort you are ever going to have because that is the reason you have lawsuits.

SENATOR MORRISSEY: Okay, I guess I'm still...I'm going to