

not exclusively our taxpayer-supported villages, cities, counties, and state, and all available resources, not exclusively the taxes generated by our villages, cities, counties, and state, will be accessible to innocent victims of a police chase. LB 952 amends Section 13-911 governing political subdivisions, and 81-8215.01 governing the state. The identical three changes occur in each section. First, LB 952 proposes that in the case of death, injury or property damage to an innocent third party approximately caused by the negligent actions of a law enforcement officer during a vehicular pursuit, damages will be paid in direct proportion to the fault allocated among all responsible parties involved, according to Nebraska's comparative negligence statutes. Second, LB 952 provides that in the absence of negligence on the part of a law enforcement officer, the economic damages of an innocent third party, not collected from other sources, shall be paid in equal proportion by all governmental units involved. Third, in any claim by an innocent third party for economic damages, state and local government will receive credit for collateral sources available to an innocent third party, including amounts payable from uninsured motorist insurance, underinsured motorist insurance, workers' compensation insurance, and medical insurance. Madam President, I would like to ask my colleagues to consider the burden placed on innocent victims to collect their damages. It is my opinion that it may well be more difficult for someone to obtain damages under existing law than what is proposed in LB 952, because under the current law the innocent person must prove that the conduct of the law enforcement officer was approximate cause of the pursuit. That proof includes several factors including whether the fleeing person knew or should have known that he or she was being pursued, that the fleeing person had a likely opportunity to react to the law enforcement signals to stop but didn't do so, or whether the collision between the fleeing person and the innocent person happened because of the pursuit, or instead would have happened regardless. In many circumstances, current practice indicates that the insurers of the fleeing person, and especially uninsured and underinsured motorist insurers of the innocent victim, withhold payments on the principal, that the pursuit statutes make the governmental units the insurer of the fleeing motorist, which relieves them from the obligation of making any payments to the innocent person. This forces innocent people to needlessly incur legal expenses and unnecessary delay. In comparison, innocent victims injured by drivers fleeing from law enforcement officers would