

receive payment of their damages quicker if LB 952 becomes law, because the state and its political subdivisions would be liable only for those damages in excess of the liability insurance or personal resources of the fleeing vehicle or criminal, if any, the uninsured or underinsured motorist insurance available to the innocent person, workers' compensation payments available to an innocent person who might be in the course of employment at the time of the injury, and any other health insurance payments to which the innocent person might be entitled. With the changes in LB 952, there would be no justification for any of the above-mentioned sources of insurance benefits to delay making payments to the innocent person. This allows the innocent victim to be reimbursed for their injuries quicker. It also reduces the financial cost to government units without, and this is very important, without reducing the economic damages to the injured person. The problem with innocent victims collecting in a timely fashion under the current law was pointed out during the committee hearing by Roselyn Cappiello, who was tragically injured during a police pursuit in Omaha. She indicated that her accident occurred in 1990, and she settled in 1993. I would like to bring to the attention of the Legislature another concern I have with the current law. The current law is unjust in the way it addresses innocent members of society injured by a government vehicle responding to emergencies. Pursuit is the only situation in which the state and its political subdivisions is held to a strict liability standard. In the case of all other emergency vehicles responding to emergencies, such as law enforcement responding to an armed robbery, a fire truck en route to a fire, or an ambulance answering a 9-1-1 call, the innocent victim must prove that the operator of the emergency vehicle was negligent by not exercising reasonable care, and recovery is based on the comparative negligence statutes. Eliminating the strict liability standard that applies to law enforcement pursuits would result in reimbursement to innocent victims injured by emergency vehicles on a more consistent basis. In other words, Nebraska's public policy wouldn't provide a preference to an innocent victim of a law enforcement vehicle pursuit over an innocent victim of an emergency response by any other type of governmental emergency vehicle. Finally, adopting LB 952 would allow state and local government to better manage their financial resources.

PRESIDENT ROBAK: One minute.