

up. The amendment seeks to add the term "contributorily negligent" before "vehicle owner", is that a correct summary of the amendment?

SENATOR MAURSTAD: Yes, it is, Senator.

SENATOR LINDSAY: What, in a...what is your intent in adding that language?

SENATOR MAURSTAD: The intent is to clarify that a vehicle owner that is not contributorily negligent not be enjoined in the action.

SENATOR LINDSAY: Okay, that's the intent of the amendment is to add that. All right. Thank you. Members, the...I think again what we see is that...I'm not sure that Senator Maurstad's intent is actually being placed down on paper. And the reason I suggest that is the first part of that, inserting "contributorily negligent" into subsection (1) says that...it would read then that in the event an accident is caused by the negligence of a police officer, that...that at that point...or versus the second section, which says, in the event of a strict liability...I guess what we're doing is we're having people treated differently in the two sections. A driver, excuse me, an owner of a vehicle who is contributorily negligent, and I'm working this through, I guess, as I'm talking. The negligent...if the driver is negligent...if the driver of the car, meaning the police officer is negligent, then we look to the contributory negligence of the owner, although we are looking to a comparative negligence in the other sections that are referenced, under 25-21185.07 and the statutes that follow that. And there may be a conflict between the comparative fault, as indicated in those sections, which is ultimately going to decide the...to determine the fault among the different participants, including the owner, and the contributory negligence, because we're talking about contributory negligence, in one part, as opposed to comparative negligence in the sections which are allocating fault. And I think we have to be careful as far as whether that's even necessary in the first part, since comparative negligence is already going to be entering into the formula and is going to be determining that. On the second side, more of a policy question, is why are we requiring contributory negligence on the part of the vehicle owner? Why are we doing that? What we're talking about is