

SENATOR MAURSTAD: In...you know, I'm obviously not a judge, but from my perspective, Senator, as you've described it there, I don't know that there was any negligence as a result of that officer's actions, as long as he demonstrated reasonable care.

SENATOR BEUTLER: Well, he hit another vehicle.

SENATOR MAURSTAD: Um-huh.

SENATOR BEUTLER: Isn't that evidence that reasonable care was not demonstrated, if he hit another vehicle?

SENATOR MAURSTAD: It could or could not be. I'm not trying...

SENATOR BEUTLER: I mean the other vehicle wasn't obligated to stop at the intersection, assuming it didn't have any knowledge or see the emergency vehicle.

SENATOR MAURSTAD: Yeah. As long as they were following their emergency vehicle procedures and demonstrated due and reasonable care, and there wasn't any action on the part of the other operator that would have contributed to the accident, then they wouldn't be...wouldn't be negligent. We've provided for that situation in the second section of our bill.

SENATOR BEUTLER: Second section of the bill has to do when the officer is not negligent.

SENATOR MAURSTAD: In the absence of negligence.

SENATOR BEUTLER: But I'm talking about the section where there is negligence or not negligence. Taking Senator Bohlke's example, where there's a chase of the motorcycle and the officer loses control, rolls a car into a front yard and, let's say in this case, hits a couple of kids. Is the officer negligent in that case?

SENATOR MAURSTAD: What...as Senator Bohlke described it, I would think that the officer would be considered to be negligent, and I believe there are court cases that have provided a basis for finding an officer negligent in a pursuit.

SENATOR BEUTLER: And the officer was negligent because he or