

SENATOR CHAMBERS: Okay. If the city, without this language, referencing the fleeing driver in your bill, if without that language right now the city has gotten a judgment against one of these fleeing drivers, what does this language in your bill add to the city's power to recover?

SENATOR MAURSTAD: If your...if you are accurate in that that is always available to the city in the situation that we described here, it would be the same situation.

SENATOR CHAMBERS: So it adds nothing as far as the city's power to recover, would you agree?

SENATOR MAURSTAD: If you're correct in that they always have that ability.

SENATOR CHAMBERS: Yes, I'm correct. Now, let's see what it does with reference to the innocent third party. It will have an impact on the innocent third party, though, because it could diminish the amount that innocent third party would actually recover. Isn't that true?

SENATOR MAURSTAD: I have previously indicated that, because they will lose a portion of their noneconomic damages.

SENATOR CHAMBERS: So why do you want to do that to the innocent third party, when you've been telling us your aim is not to prevent the third party from recovering the amount they'd recover now, nor cause any delay? Here you're admitting that this will diminish what is recovered.

SENATOR MAURSTAD: I indicated earlier that there were times when that situation would be present, the same as in the bill, I believe there are times when they would recover when they are now not able to.

SENATOR CHAMBERS: If the judgment that I talked about was for the full \$1,550,000 that the city took against this driver, and that's the amount they paid out, it means that the city didn't try to bring anybody else in, not the owner of the car or anybody else, but only the driver. And the court entered the full amount of the judgement against the driver only. So let's say we have a situation where you can establish that the driver