

is 100 percent negligent. Then the third party would recover...

SENATOR BERNARD-STEVENS: One minute.

SENATOR CHAMBERS: ...nothing. Isn't that correct?

SENATOR MAURSTAD: No, it's not correct, because in the absence of negligence on the part of law enforcement, then the innocent victim would recover their economic damages in Section 2.

SENATOR CHAMBERS: Well, the officer is 2 percent negligent, 98 percent would not be recovered, would it, from the driver?

SENATOR MAURSTAD: And I just do not believe, based upon other court cases, that you would see a judge, knowing the circumstances that would be put forth in 952, that would allocate a small percentage knowing that that would bar recovery from an innocent victim.

SENATOR CHAMBERS: I'm not asking what you believe, I'm asking you to talk about what you put in this bill, and that's why I say what you're saying is different from what you wrote in the bill. In the bill, based on the way it's written, if the driver is found to be 98 percent negligent, then the person, the innocent person, could only recover 2 percent of that damage from the city. Isn't that correct?

SENATOR MAURSTAD: They would recover the economic damages...

SENATOR BERNARD-STEVENS: Excuse me, Senator Maurstad, that's time. But, Senator Chambers, your light is on now if you wish to continue.

SENATOR CHAMBERS: Yes I do.

SENATOR BERNARD-STEVENS: Senator Maurstad, if you wish to continue on that.

SENATOR MAURSTAD: The innocent victim would recover the economic damages associated with the fleeing driver's responsibility in the case that you...that you just cited.

SENATOR CHAMBERS: How would the fleeing...how would the third party recover the economic damages if there was the 2 percent