



Hundredth Legislature - Second Session - 2008
Committee Statement
LB 525

Hearing Date: February 8, 2007
Committee On: Judiciary

Introducer(s): (Aguilar)

Title: Modify provisions relating to liability involved in vehicular pursuits

Roll Call Vote – Final Committee Action:

Advanced to General File

Advanced to General File with Amendments

X Indefinitely Postponed

Vote Results:

6	Yes	Sen. Ashford, Sen. Lathrop, Sen. McDonald, Sen. McGill, Sen. Pedersen, Sen. Schimek
1	No	Sen. Pirsch
	Present, not voting	
1	Absent	Sen. Chambers

Proponents:

Sen. Aguilar
 Laura Peterson
 Lynn Rex

Representing:

Introducer
 Citizen
 League of Nebraska Municipalities

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 525 proposes to clarify that the policy of imposing strict liability on the state or a political subdivision for damages incurred by innocent third parties as the result of a vehicular pursuit by a law enforcement agency does not relieve a public or private source that is required by statute or contract to reimburse an innocent third party for property damages sustained in the accident from a duty to do so, and such entities are not entitled to subrogation or contribution from the state or political subdivision.

Nebraska has an existing statutory scheme that provides that the state or political subdivision is strictly liable for damages incurred by innocent third parties as the result of a vehicular pursuit by a law enforcement agency. One aspect of this statutory scheme is the concept that entities which have a contractual or statutory obligation to pay benefits for damages incurred by the innocent third party should still compensate the innocent third party for those expenses. The law currently provides this protection for medical expenses, lost wages and disability benefits. LB 525 adds property damages to this list of expenses that must be paid by an obligated entity rather than having the costs borne by the state or political subdivision.

Explanation of amendments, if any:

Senator Brad Ashford, Chairperson