

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB156

Hearing Date: Friday January 30, 2009
Committee On: Judiciary
Introducer: Lautenbaugh
One Liner: Eliminate the strict liability requirement for pursuits by law enforcement officers

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye:	6	Senators Ashford, Christensen, Council, Lathrop, McGill, Rogert
Nay:	2	Senators Coash, Lautenbaugh
Absent:		
Present Not Voting:		

Proponents:

Sen. Scott Lautenbaugh
Thomas Mumgaard
Mark Sundermeier
Lynn Rex

Representing:

Introducer
City of Omaha
Omaha Police Department
League of NE Municipalities

Opponents:

Andy Sibbernsen
Ann Wilson McGrath
Josh McGrath
Lowen Kruse
John Lindsay

Representing:

NATA
self
self
self
NATA

Neutral:

Representing:

Summary of purpose and/or changes:

LB 156 proposes to repeal language found in both the state and political subdivisions tort claims acts imposing strict liability on the state and political subdivisions for injuries sustained by an innocent third party which are a proximate result of a vehicular pursuit by law enforcement.

Current law requires that innocent third parties be compensated by the state or political subdivision if they are injured as a result of a vehicular pursuit involving law enforcement officers employed by the state or a political subdivision. Once the innocent third party has been fully compensated for his or her injuries and damage to property, the state or political subdivision is entitled to reimbursement of some or the entire amount paid to the innocent third party from any or all of the following sources:

- The driver of the fleeing vehicle;
 - Any organization liable for the conduct of the fleeing vehicle;
 - The insurers of either the driver of the fleeing vehicle or the organization liable for the conduct of the driver up to the liability limit of the policy;
 - Uninsured or underinsured motorist insurer legally liable to the innocent third party up to the limits provided by law;
 - The state or political subdivision employing law enforcement officers whose actions contributed to the proximate cause of damages to the innocent third party.
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LB 156 eliminates this strict liability language and would only allow lawsuits against the state or a political subdivision if the injured party can prove negligence on the part of the law enforcement officers involved in the pursuit. This standard is significantly lower than the current strict liability standard and will result in fewer claims being paid by the state and political subdivisions, as well as reducing the likelihood that innocent third parties will be fully compensated for the damages sustained as a result of the vehicular pursuit.

Brad Ashford, Chairperson