1st Sub. H.B. 20
EMERGENCY VEHICLE OPERATOR DUTY OF CARE REVISIONS

SENATE FLOOR AMENDMENTS   AMENDMENT 1   FEBRUARY 26, 2014 10:10 AM

Senator **Lyle W. Hillyard** proposes the following amendments:

1.   *Page 1, Lines 14 through 21:*

14   ‣   provides that the operator of an authorized emergency vehicle   **{ owes no duty of care }**   **is not liable**

15   to a person who is   **{ . }**

16   **——————•}**   =   a suspect in the commission of a crime and evading, fleeing, or otherwise

17   attempting to elude the operator of an authorized emergency vehicle   **{ , or**

18   **————•   in a motor vehicle with the suspect, unless it is proven by a preponderance of**

19   **the evidence that the person's presence in the motor vehicle was involuntary and**

20   **the person's participation in evading, fleeing, or attempting to elude was**

21   **involuntary; }**   **for certain injuries incurred;**

2.   *Page 3, Line 83 through Page 4, Line 97:*

83   (b) The operator of an authorized emergency vehicle   **{ owes no duty of care }**   **is not liable** under this

84   Subsection (6) to a person who is   **{ . }**

85   **(i) (A) }**   a suspect in the commission of a crime   **{ ; }**   and

86   **{ (B) }**   evading, fleeing, or otherwise attempting to elude the operator of an authorized

87   emergency vehicle   **{ ; or }**   **for injuries incurred in the course of or as a result of evading, fleeing, or attempting to elude the operator of an authorized emergency vehicle, unless the injury was intentionally caused by the operator or resulted from the operator's gross negligence.**

88   **{ (ii) in a motor vehicle with the suspect described in Subsection (6)(b)(i), unless it is**

89   **proven by a preponderance of the evidence that:**

90   **(A) the person's presence in the vehicle was involuntary; and**

91   **(B) the person's participation in evading, fleeing, or attempting to elude was**

92   **involuntary.**

93   **(c) (i) Notwithstanding Subsection (6)(b), an operator of an authorized emergency**

94   **vehicle may be held liable for a fleeing suspect's injuries if the operator of an authorized**

95   **emergency vehicle had actual intent to cause harm to the fleeing suspect in an act that was**

96   **unrelated to the legitimate object of the arrest. }**

97   **{ (ii) "Actual intent" }**   **(c) "Intentionally"**   under   **{ this }**   Subsection (6)   **{ (c) }**   **(b)** means a malicious motive to cause