

EMERGENCY VEHICLE OPERATOR DUTY OF CARE REVISIONS

Senator **Todd Weiler** proposes the following amendments:

1. Page 3, Line 80:

80 (6) (a) As used in this Subsection (6), "marked authorized emergency vehicle" means an authorized emergency vehicle that:  
(i) has emergency lights that comply with Section 41-6a-1616 affixed to the top of the vehicle; or  
(ii) is displaying an identification mark designating the vehicle as the property of an entity that is authorized to operate emergency vehicles in a conspicuous place on both sides of the vehicle.  
[The] ~~{(a)}~~ (b) Except as provided in Subsection (6) ~~{(b)}~~ (c), the privileges granted under this

2. Page 3, Line 83:

83 ~~{(b)}~~ (c) The operator of ~~{an}~~ a marked authorized emergency vehicle owes no duty of care under this

3. Page 3, Lines 86 through 87:

86 (B) evading, fleeing, or otherwise attempting to elude the operator of ~~{an}~~ a marked  
authorized  
87 emergency vehicle; or

4. Page 4, Lines 88 through 89:

88 (ii) in a motor vehicle with the suspect described in Subsection (6) ~~{(b)}~~ (c) (i), unless it is  
89 proven by a preponderance of the evidence that:

5. Page 4, Lines 92 through 94:

92 involuntary.  
93 ~~{(c)}~~ (d) (i) Notwithstanding Subsection (6) ~~{(b)}~~ (c), an operator of ~~{an}~~ a  
marked authorized emergency  
94 vehicle may be held liable for a fleeing suspect's injuries if the operator of ~~{an}~~ a marked authorized

6. Page 4, Lines 97 through 102:

97 (ii) "Actual intent" under this Subsection (6) ~~{(c)}~~ (d) means a malicious motive to cause  
98 injury, not merely an intent to do the act purportedly resulting in the injury.

99            ~~{(d)}~~    (e)    If an operator of    ~~{an}~~    a marked    authorized emergency vehicle complies  
with the requirements  
100    described in Subsections (4) and (5) while operating the    marked    authorized emergency vehicle, the  
101    operator shall be deemed to have met the operator's duty to act as a reasonably prudent  
102    emergency vehicle operator in like circumstances.