

CLSB013.001

4.9.09

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB09-013

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB09-013, concerning the extension of civil immunity to persons engaged in emergency response activities, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 5, line 1, after "(1.7)", insert "(a)";

after line 14, insert the following:

"(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1.7), A PLAINTIFF MAY SUE AND RECOVER CIVIL DAMAGES FROM A PERSON OR ENTITY SPECIFIED IN SAID PARAGRAPH (a) BASED UPON A NEGLIGENT ACT OR OMISSION INVOLVING THE OPERATION OF A MOTOR VEHICLE; EXCEPT THAT THE AMOUNT RECOVERED FROM SUCH PERSON OR ENTITY SHALL NOT EXCEED THE LIMITS OF APPLICABLE INSURANCE COVERAGE MAINTAINED BY OR ON BEHALF OF SUCH PERSON OR ENTITY WITH RESPECT TO THE NEGLIGENT OPERATION OF A MOTOR VEHICLE IN SUCH CIRCUMSTANCES. HOWEVER, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE RIGHT OF A PLAINTIFF TO RECOVER FROM A POLICY OF UNINSURED OR UNDERINSURED MOTORIST COVERAGE AVAILABLE TO THE PLAINTIFF AS A RESULT OF A MOTOR VEHICLE ACCIDENT."

Respectfully submitted,