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LB 483

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, when this proposed amendment was discussed a few days ago I was not present. I think it is a very worthwhile amendment and I wish, Senator Maresh, I had been here at the time it originally came up. What we ought to look at is not that the entertainment aspect applies only to the person riding one of these devices, it also applies to those who are watching. So a situation has been created whereby an inducement is made to the public to come to one of these establishments, not just to drink, but with the very real possibility of observing a person become injured while riding one of these devices. Because it is not just related to the person on the vehicle or device but rather to those who are coming there as spectators, I think it is unconscionable for the Legislature to allow a set of circumstances where the bar owner is going to receive a benefit, a financial, measureable, definable benefit without incurring any liability should a person become injured as a result. So it is not good public policy for the Legislature to allow a dangerous situation to exist. The person creating the situation to profit from it but then be exempt from all liability as a result of obtaining an agreement to waive liability from a person who may not be completely in possession of his or her senses. I hope you will look at the seriousness of the matter. We have no way of determining who will risk himself or herself but we know that when people are under the influence of that old snake oil, that firewater, they do things that ordinarily they might not do. Their sense of and appreciation for danger is diminished perceptibly and because of that they may put themselves in a position where they need to have a quasi guardian or somebody looking out for their welfare. In the same way that one person who defrauds another is held accountable, when through his or her trickery of misrepresentation one person is injured, we have to analogize from that and protect people under these circumstances. Families could be put in a financial bind if the breadwinner is injured. Even if the one injured is not the breadwinner, perhaps a parent might be in a position of having to assume doctor and hospital bills. So I think this amendment is very reasonable. It does not do away with these devices and if the bar owner feels that it offers enough inducement in terms of bringing people into the establishment and creating profit, he will not mind assuming the liability that might inhere in such a dangerous situation. Where children are concerned or people who might have the mentality of children are concerned, the law recognizes what it calls an attractive nuisance. It means that even on your own property you cannot have something which will draw a person onto that property which