

SPEAKER NICHOL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I do not know if there will be any opposition on the floor today to this particular amendment, but I suppose in case there is some opposition to it, I did want to take a moment...I did want to take the time to indicate why this is a very, very important provision on LB 496 is one of the worst things that can happen to a person in my view is to be a victim of unintended consequences in failing to wear one's seat belt, and what we now know from the way the law is going to look like, that if a person fails to wear a seat belt, that person is subjected to a \$25 fine. We know that is the penalty but the thing we don't know, and here is where the amendment is very important, we don't know to a certainty how the failure to use a seat belt will be used against that individual in a court case, and what can happen so easily is that we can drive our car without our seat belt on and some drunk driver can absolutely cream the car and we can be devastatingly injured, and so we have to bring a lawsuit against the drunk driver for the terrible injuries that we have sustained, and the drunk driver comes back and says, wait a minute, I may have been negligent but you were negligent because you didn't have your seat belt on and so you don't get any money because you didn't have your seat belt on. Now that is an unintended consequence, in my view, of the failure of this law. So what Senator Hoagland has proposed, and I signed the amendment with him, is that the failure to wear the seat belt could only be used to lower the amount of damages in a lawsuit, not to eliminate them, but to lower the amount of damages and the amount that that amount could be lowered by would be no more than 5 percent of what the actual suffering was, what the actual damages were to the individual. That now means that we then know the full consequences of LB 496. We then know with this amendment that if one fails to wear a seat belt, that person is exposed to a \$25 fine, and in addition if that person happens to be injured in a car accident, the failure to wear the seat belt can be used against that person only to reduce the amount of damages that that person can successfully prove against a liable defendant by an amount not to exceed 5 percent. We know the consequences and that makes for a good law. That makes for a good law. This is a very important amendment and I certainly encourage your support.