

SENATOR LABEDZ PRESIDING

SENATOR LABEDZ: Senator Morehead.

SENATOR MOREHEAD: Madam Speaker, members of the body, this has been a concern of several members here in the body because they felt that if, in fact, your only guilt in an accident was the instance that you did not have a safety belt on, if that was your only guilt, that you were law-abiding in every other manner, that this should not totally harm you. In the adoption of this amendment, this amendment will take care of that. It will say that you, as a plaintiff, just because you did not have a safety belt on cannot be totally harmed by just that one act. Therefore, I do support this amendment. We know that the majority of accidents, 70 some percent, happen within 40 miles of your home and with under 40 miles an hour. So it is important even when you are driving to the grocery store or driving to the gas station that you keep that safety belt on but this is a time when most people do tend to be negligent. But if that is your only negligence, then we are saying that if the other person was the semitruck driver who crossed the medium, or was the drunk, or was the person completely out of control, that by not wearing that safety belt, it will only damage you personally at a 5 percent level. So I am supportive of the amendment. Thank you.

SENATOR LABEDZ: Senator DeCamp.

SENATOR DECAMP: Mr. President, I also support the amendment. My concern originally was that this area of the statute would be used as an opportunity to go into the entire comparative fault law of the State of Nebraska which may or may not have to be changed but which I felt was completely inappropriate to change. The balancing concern is if you don't make it clear just what exposure, at least on damages, that you are creating with this new law, does that, at least indirectly, play into the comparative fault area and at least this clarifies it and makes it certain that you know in advance exactly how far you are going in terms of damages. And so for that reason I support it. I guess I would prefer to make it 2 percent instead of 5 percent but I suppose 5 percent is a reasonable number and, therefore, I support the amendment.

SENATOR LABEDZ: Senator Nichol.