

SPEAKER NICHOL: Senator Beutler, then Senator Morehead. Senator Morehead. Senator Haberman, for what purpose do you arise?

SENATOR HABERMAN: A point of order, I guess, or personal privilege.

SPEAKER NICHOL: State your point to the Chair, please.

SENATOR HABERMAN: Due to Senator Morehead being correct and my amendment not being in the New Jersey law, I wish to withdraw my amendment.

SPEAKER NICHOL: No objections, so ordered. Okay, we have another amendment to the Hoagland amendment. We are now back to the Hoagland amendment, Hoagland, Vard Johnson, Beutler, whatever, to that amendment without being amended. I have many lights on. I don't think you wish to speak to that. I thought you were wishing to speak to the Haberman amendment. However, check your lights to see if this is true. Senator Beutler, did you wish to speak to the amendment? All right, and then Senator Landis after that. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, again to refresh your memory, this amendment is essentially the same as the Chambers-Haberman amendment except that it allows a 5 percent penalty, in effect, for mitigation of damages if you are not wearing a seat belt, and, as has been explained to you, that is to bring it in accordance with the federal guidelines. Now there was some confusion before and maybe there is some residual confusion about how this particular provision relates to the question of slight versus gross negligence and there was some fear or suspicion that it had to do with that question, and others were standing up and saying, no, it has nothing to do with it, and I am telling you it has nothing to do with it and I want to tell you why. When you get into a lawsuit, there are really two or three areas that you have to deal with. One is the area of liability and that is one of the first areas you deal with. You have to determine whether a particular individual is liable or not. Central question. In making that determination, that is where you get into the slight versus gross negligence comparison. That is where you get into the question of whether the contributory negligence was so much that the person who commits the contributory