

SENATOR CHAMBERS: In the green sheet and also in an amendment, in a committee amendment, I guess. Senator Morehead, now that you've seen the language, and there is similar language in the existing statute...

SENATOR MOREHEAD: Yes.

SENATOR CHAMBERS: ...my question is this, and I've got to put it in a context. In the original language of the bill, I meant that exists in statute now, that does not come from a statute requiring people to wear a safety belt under pain of being in violation of the law.

SENATOR MOREHEAD: Correct.

SENATOR CHAMBERS: The language is now being put into a provision where you must wear this belt and it is being said that this belt must be approved by the Department of Motor Vehicles. So, as the language is in the bill now where it is being incorporated into a new provision of law creating a requirement that you wear this belt, what liability does the state assume? Before, you could be talking about a kind of consumer protection where if they put this device in the car, it must meet certain standards but it is optional as to whether you wear it and that was addressed to the manufacturer. Now you are talking about the individual who is being protected from himself or herself and saying this device, which the manufacturer is required to put in the car, must be approved by the Department of Motor Vehicles. If the department gives such approval, and you mentioned the possibility of reassembled cars, and it turns out to be defective, what liability is the state assuming when it is stepping into a mandatory situation such as this?

SENATOR MOREHEAD: Senator Chambers, I guess I feel that if I answer that with a definite affirmative or negative that I am putting myself in the position of judge and jury. I know that this would be open to interpretation. As we have found, interpretation on this floor, earlier this morning, varied even among attorneys on issues. The idea of the law is really to increase the savings of lives by 50 percent by the use of these. I would hope that this, in no way, put liability back on the state for that approval. The approval is meant to address belts which work rather than those which would not work.