

individual who fails to wear his seat belt, who fails to comply, by leaving the fine at \$25. And not, in addition to that, taking away a hundred or two hundred thousand dollar claim that he may have suffered in an accident due entirely to the fault of someone else, and there was a clear sentiment in this body that we wanted to protect an individual in that situation. We didn't want to go on, and by way of LB 496, deprive someone who was in no respect responsible for an accident of a hundred or two hundred thousand dollar claim simply because he was failing to wear his seat belt at the time. We were all in agreement on that and there was a debate over the method. Should we say that 5 percent could be deducted, 1 percent could be deducted, or nothing can be deducted? Now let me assure you that out in the real world there, whether it is the 5 percent or the 1 percent or nothing is not going to make any significant difference in the way claims are processed, the way lawsuits are tried, the way the lawsuits are settled. It is simply not going to matter whether we go 5 percent or 1 percent or we adopt Senator Pirsch's approach and say it can't be used at all. But it is going to make a difference out of fairness to many of the sponsors of this bill as to whether or not our bill is in compliance with the federal guidelines. Now I have a copy of the federal guidelines here, U. S. Department of Transportation, Standard 208, and it starts out it says a minimum criteria, a minimum criteria for state mandatory safety belt usage laws are, and it lists a number of provisions, and one of them says, a provision specifying that the violation of belt usage may be used to mitigate damages. It specifically says that. Now we don't want it to be used to mitigate damages entirely so we are following the approach Michigan followed with the 5 percent rule and the approach Missouri followed with the 1 percent rule. That way we are balancing these two competing interests. We are being sure that our citizens in Nebraska are not going to be penalized beyond the \$25 fine for not having a seat belt. In addition to that, we are guaranteeing or we are attempting to guarantee as much as we can that our seat belt law is in compliance. Now I think that we have done an adequate job of balancing those two factors. In an ideal world, I would agree with Senator Pirsch, but let me remind you that it is going to have no practical effect out there in the real world in settling claims and trying lawsuits, whether it is 5 percent, 1 percent or nothing, and out of fairness to the individuals who are bringing this bill in so that it will comply with