

But if the officer failed to tell him that he had a right to reweighing at a permanent scale, he could go into court and argue that he wasn't given that right and get off and that's what I want to try to prevent. Now if you think that the portable scales are inaccurate in one direction, then I submit to you that the answer is you shouldn't be using portable scales. But if we are going to use portable scales and if they are accurate, then I don't see any importance to the right to reweighing that would outweigh or that should cause a person to get off the hook because of the fact that he was not notified of the right. So I don't delete from the bill the fact that the officer should tell him about the right to reweighing, but I simply add a sentence that modifies and defines that right and limits it. I would ask the adoption of the amendment.

PRESIDENT: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I'll use the same arguments that Senator Beyer did. He said this is hassling the bill, let's leave it alone and I personally think it is hassling the bill. Senator Beutler should have done this long time ago and I think it's in good shape the way it is so I ask you not to accept his...to not to bring the bill back and leave it alone. Thank you.

PRESIDENT: Is there further discussion on the proposed...Senator Beyer.

SENATOR BEYER: Mr. Speaker and colleagues, I think part of what Senator Beutler is trying to do will delete some of what we've got in the bill as far as notification and everything. I guess I'm not quite sure...I'll ask Senator Beutler a question. Where were you going to put that in?

SENATOR BEUTLER: Senator Beyer, the amendment has been on file for some time. It goes on page 14, line 26 after the period and it deletes nothing from the bill. It adds to the bill.

SENATOR BEYER: Well, I thought that we, basically, had that with the prima facie evidence somewhere in there that would cover all of it. You know I guess we can't say that it's up to the driver whether he wants to accept that or not on the...telling that...I guess your particular amendment is no