

SENATOR CHAMBERS: I challenge the Chair.

SPEAKER NICHOL: Okay.

SENATOR CHAMBERS: And my motion is that the Chair be overruled. I don't know if everybody was listening, Mr. Chairman, to what Senator Haberman pointed out, but look, there are people who because of a medical condition cannot wear a seat belt without damage to their health. The Legislature cannot constitutionally require a person to undertake an act which will damage their health. Yet you have a statement from this individual who is the Director of Health of this state telling doctors that if you comply with the exemption provision of this law, you may face personal liability. And that liability, I presume, would result, in his opinion, if a person sustained an injury in an accident while not wearing a seat belt. So on the one hand, the statute as written and interpreted by the Department of Health will prevent a doctor from complying with the provisions of the bill and compel a citizen to go about in a vehicle in a condition which endangers his or her health. That is not reasonable. Once the red flag is run up in this fashion, then doctors are not going to issue these exemptions and a person not wearing a seat belt, who could come under scrutiny from the law enforcement persons pursuant to the requirements of the bill, would have to be given a ticket. There are people connected with the Safety Council in this state who said that children below a certain age should not wear these types of harness, belts, because they will go across the neck and crush the windpipe in case of an accident and, therefore, police officers will use discretion in enforcing the bill. The Omaha police have said the law requires a person to wear a seat belt,

and if the person is not wearing a seat belt, a ticket will be issued even though the very ones clamoring for the bill have said that for these children to wear the seat belts, and I don't mean the four year old babies and the ones below that age who have to be in the child restraint or the seat, will be endangered by virtue of the belt itself, and the Legislature doesn't care. But here is something we ought to consider, the vote on this motion is like a referendum. It is going to give the public a chance to see how the Legislature will vote even though they know how the public feels about this reprehensible piece of legislation which is