

SENATOR WILL: The manufacturer of the bearing theoretically could be responsible if that single product in and of itself caused the accident.

SENATOR SCHELLPEPER: Well many times I know as a farm operator we buy bearings from a bearing company and they are not the official company bearings. If you go to buy, say a John Deere bearing, they are very expensive. You can go to buy another bearing from a bearing company at about half price. So according to that then this bearing company, if that's what caused the accident, they would be liable and not John Deere although it is a John Deere or whatever make machine that it is.

SENATOR WILL: The burden...if the plaintiff could prove that the bearing itself caused the injury and that the injury, and that the reason it caused the injury was due to a flaw in manufacture, a flaw in design or failure of the company to properly instruct or warn the user of the bearing, then the plaintiff could recover.

SENATOR SCHELLPEPER: Okay.

SENATOR WILL: They would have to prove one of those elements.

SENATOR SCHELLPEPER: But it would be up to the courts then, Senator, to decide what, who is liable and how far it has extended the life and things like that.

SENATOR WILL: Yes.

SENATOR SCHELLPEPER: Okay, thank you. The reason I became involved in this issue I think two years ago, there was a family in my district that had a small boy and they had a Ford pickup truck and they parked it in their driveway and it was left idling and it jumped out of park and backed over this small boy and ran over his head and of course he was damaged severely. And Ford Motor Company acknowledged that their pickup was at fault and they would be, in any other state they could sue, but Nebraska they could not. Fortunately this family had some good insurance with the Farm Bureau company and they were able to pay most of the cost but it really did devastate this family. But when you have a manufacturer that acknowledges that they have, that they are at fault but they said we will not pay because in Nebraska we don't have to, it didn't seem quite fair. Now I don't want to do anything that is going to harm Nebraska