

Probably make more sense in five years. The bill started off with total abrogation, just totally doing away with it and allowing all sorts of suits and that's where you get into trouble. Now think about it. Ten years ago, what were the design standards of any product ten years ago? Don't know, hard to remember. Remember what your car had on it for specifications ten years ago? Well if you still own your car maybe you do, but most of these things are that you're going to have trouble going back because juries are naturally going to apply the standards that they have today, not what they did ten years ago. Oh, they'll get a jury instruction, they'll talk about how to figure that out, but human nature will tell you you're going to use today's standards and today's designs and today's technology inherently against something that was manufactured more than ten years ago. And so there is going to be some dispute. The manufacturer won't want to take a chance that they may get killed with a big lawsuit so they'll settle.

PRESIDENT MOUL: One minute.

SENATOR KRISTENSEN: And that's where most of this is going to occur and that's the reason that this bill is up here. Now the useful life part of this still requires you to sue somebody. So my original statement is, what will this bill do? It will allow more lawsuits, exactly it will, because the only way you're ever going to determine useful life is you've got to get to the jury or to the judge to do so. And I guess I'd be real interested to see what the majority of the Legislature thinks. There are other things that we have here this morning, other parts of the divisions. You'll have those that are going to stand up with just righteous indignation, my God, how could you prevent anybody from suing? And that's not at issue. You still have your rights to sue, but within those ten years, if a product is defective, don't you think you're going to know within ten years? Sure, you will. And they talk about the cars. Maybe your car won't be defective in ten years but quite frankly that make or model will be known within ten years. That's not, that's the straw person. It's not there at all. I'd urge you to defeat this amendment at this point in time. Let's talk about... I think Senator Crosby has had a reasonable exemption to it. That is something we could take a look at, pass that part of it and if we want 137 to become law...

PRESIDENT MOUL: Time.