

does not necessarily mean there will be more recoveries. A lot of the small manufacturers have already included in their product liability insurance right now because they deliver outside the State of Nebraska, those rates. They are included. There may be more defense costs. I don't think that is necessarily true but I would agree with, Senator Kristensen, this bill may increase defense costs because there may be more litigation. I don't agree with Senator Abboud that this will solve all the problems. I think, however, there is a need to look at this issue very carefully to understand what we're talking about as far as useful safe life. We need to consider whether the design standards at the time of delivery ought to be a consideration in addition to the other considerations that we're going to debate. This is a very important issue, it is very significant. I would urge the body to listen carefully to the debate.

PRESIDENT MOUL: Thank you, Senator Hohenstein. Senator Will.

SENATOR WILL: Thank you, Madam President, members of the body, and thank you, Senator Hohenstein, for clarifying the cases that were handed out under my name. Clearly my point in showing these cases to you is not to represent that each and every one of these is an individual who was injured by a product and could not recover because of the statute of repose. The fact is, they all were injured, they were using a product, they may or may not have been injured due to the fault of the manufacturer, but the point is because the age of the product, that's not even an option for them. They could not even get to the plate. They couldn't even get an at bat to have it decided whether the product caused the injury or not because simply the ten year statute of repose precluded them from pursuing this at all. I think there's another misconception we need to correct at this point and that is that there is something in this amendment that suggests that a machine should last forever. In fact, there is nothing expressed or implied in this amendment that suggests anything of the sort. The fact is under current statutes we don't know what the useful life of the product is. All current statutes say is it's somewhere between zero and ten years, but at ten years anything beyond that we are arbitrarily decide that that the useful safe life of that product is gone, that if an individual is hurt by an '82 pickup due to a flaw in the manufacturer design, then that's too bad because they simply can't recover in the State of Nebraska under that circumstance. What the amendment would say, oh, and by the way what the