

that we would not deal with. It's difficult to deal with. It's a complex area. Oftentimes it's filled with contradicting opinions of people who work in the area, people who do not work in the area and those people who sometimes have to rely on that information. And the legal profession is oftentimes caught in the middle because there are certainly two sides to every story. This amendment is signed by Senator Bromm, Senator Hohenstein, Senator Schellpeper, Senator Crosby and myself and it does two things of which the first part we're dealing with right now. Currently the body has adopted a useful life system to the Statute of Repose. In effect, what they have done is there is a 10-year Statute of Repose and you remember that if there is a product that has been manufactured more than 10 years, that you are not able to recover under that system. I agree that in certain situations that Statute of Repose does work a hardship, that it may be perceived at some time that the Statute of Repose may be unfair. I suggest to you that those situations are best dealt with because of the actions of whoever the manufacturer is or whoever may have assembled or do the warnings. What I would ask you to do and what this amendment in the first part does, it says that the 10-year limitation, we keep the 10-year statute, but what it suggest is that for those people, if they are a manufacturer who intentionally misrepresents or they conceal the facts of a known defect or a failure to warn I would assume as well, because that certainly is within the realm of products liability and that that defect is the proximate cause of the injury, that those people not enjoy the Statute of Repose. These are the bad actors. These are the people who know, who, because they have tested their product, know and understand but choose to do nothing about it and take this attitude saying it is cheaper for us to hire attorneys to defend our cases than it is to fix our products. Those are the people who deserve no protection. They have tested, they know that there is a problem, they know there is a defect and choose not to do it. Now there are those that are going to say, well it's going to be real tough to prove they intentionally misrepresented, but think of the cases that are most unfair. Think of the cases that have come to mind. Remember the companies who they find out in their files, have had all these tests and have kept people on and that they get a salary but provided that they don't go out and reveal these test results. Think of the ones that have buried the facts that their products, and they wait and try to outrun the cases or they self-insure, but that they know through their own testing that their product has a defective design. Some manufacturers are extremely responsible. They do what they can.