

it just a little broader than the UCC? Times change, the courts make different interpretations. I don't want somebody cut out, I don't want somebody cut out because we tried to tie it down, because we tried to make it too narrow. If you are sincere in wanting to have it closely defined and references, then you'll take this substitute amendment. As I say, I don't think any amendments are necessary. I offer this as a substitute to make sure we do satisfy any legitimate and reasonable concerns you have. But I cannot accept the amendment as you have it because you tie it down too tight to whatever date this is passed, 1978. Then we're going to find ourselves in here trying to correct this, correct that, expand this, expand that. I offer the flexibility for additional expansion. Senator Dworak, I did say that it is a complicated area, and products liability is. I did say there are lawyers that specialize in this and go through law school. If you want me to give you a complete products liability course in five minutes here, then I'm going to frankly tell you I can't. I have tried to make it fairly comprehensible, using relatively understandable examples. You can say, "Well your dog example is kind of silly", and I say, "Yes, but it illustrates the point". We're not changing the nature of a dog. We're not changing the nature of a product. We've got a law on that. We are saying that there are certain restrictions, clearly defined, as to what the products liability action can do, as to what the dog is allowed to do. He can't be on the streets at a certain time. He can't.... You have a statute of limitations and repose. You have to bring your action within four years from the injury, and a cutoff of ten years now. We have said there is comparative fault. So if you antagonize the dog and are partly responsible for his biting your leg, then that is taken into consideration by the jury. Just so the person who misuses, or abuses, or commits some violation with a product, if that product is partly at fault and he's partly at fault, you take both of them into consideration, and so on and so forth. But in terms of changing, or trying to cut out or redefine what "product" is, I'm not. It's in the law. I just don't want Senator Chambers or Senator Dworak, by their amendment the way they've written it, to cut off somebody that legitimately would have a claim. So if you do, if you legitimately want it, I offer you this substitute amendment. Ernie, if you want to put it on, fine. If you don't, I guess then I'm beginning to question whether you're sincerely interested in just defeating the bill or correcting what you consider to be a problem. Ernie, you've got a copy of this. Right?

SENATOR MARVEL: You asking Senator Chambers a question?

SENATOR DeCAMP: Yes.

SENATOR MARVEL: Senator Chambers.

SENATOR DeCAMP: Have you seen it?

SENATOR MARVEL: You got a minute, Senator DeCamp.

SENATOR DeCAMP: Why don't you look at that. I would urge you to reject Senator Chamber's amendment. But if he wants to offer this substitute, which accomplishes what he says he wants to accomplish, and what Senator Dworak says he wants to accomplish, then I could accept that. But if you accept his amendment in its original form it may work to the opposite, it may cut out somebody that could have a claim or something. The court could legitimately say there is an excuse for this being called a product.