

wish to remove it from the bill, however, when you go to court on a negligence matter, I believe the judge could rule, different judges would rule different ways or you wouldn't have a court case on negligence. Is that correct, Senator Cullan?

SENATOR CULLAN: I guess I don't understand your question. I am just trying to get at what the distinction is between negligence and gross negligence and I think you probably answered my question very well and I appreciate that. You said it is almost, using your own words, it is almost impossible to prove gross negligence. Senator Haberman, would you consider an individual who is violating the law who ran a red light while speeding and that results in an accident that severely injured another person, considering the fact that this individual violated two laws, would you consider that gross negligence?

SENATOR HABERMAN: Where they deliberately ran a stoplight?

SENATOR CULLAN: An individual ran a stoplight and the individual was speeding and that resulted in an individual being very severely injured, a passenger, being very severely injured. Do you think violating those two laws is enough to constitute gross negligence?

SENATOR HABERMAN: Well, personally I would have to say so. What the court would say, that is something else.

SENATOR CULLAN: Okay, thank you, Senator Haberman. I appreciate that. Senator Haberman just tells us that he thinks violating two different laws is an example of gross negligence but there have been decisions which indicate that running a red light while speeding is not gross negligence. So you can see that Senator Haberman is correct to this extent. It is very, very difficult to prove gross negligence. I think this is a very simple fundamental question. What is negligence? Negligence is a failure to meet a standard of what an ordinary reasonable prudent person would do under like circumstances. I don't think it is too much to ask the drivers of this State of Nebraska to be liable financially if they fail to meet that standard, if they fail to do what an ordinary reasonable prudent person would do. That is really the issue and to set up a standard that Senator Haberman just admitted a couple moments ago is simply impossible to meet, it is just ridiculous. If we are going to have protection for the public it appears that the negligence standard is a reasonable one and I would hope that you would reject Senator Haberman's arguments because as you can really tell, he really hasn't, apparent to me at least, he hasn't given the human side of this much thought at all.