

March 6, 1981

LB 50

SPEAKER MARVEL: The motion is the adoption of the Haberman amendment. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, Senator Haberman's amendment would really complicate this bill because in Section 3, it talks about workmen's compensation and says, "Chapter 48, Article I, providing compensation for workers injured during the course of their employment shall not apply to a person injured while participating in a ride sharing arrangement", and so forth, "except that if the employer owns, leases or contracts for the motor vehicle used in such arrangement, pays for time spent in travel or pays the expense of travel." Then you have an employer-employee connection and workmen's compensation would come into play. What the bill is attempting to do in the form that Senator Landis has it now is to make ride sharing arrangements outside of the ordinary employer-employee relationship unless the employer does something affirmatively to make himself or herself a part of this arrangement, in which case, everything that applies in the law to employer-employee relationships for our purposes would then apply. But what Senator Haberman is saying is that, and I think I understand his amendment. Senator Haberman, let me ask you a question. You said in Section 4 you are adding your amendatory language, exactly where in Section 4. That would be on page 3.

SENATOR HABERMAN: "Not owned, leased, or contracted or driven for by the employer".

SENATOR CHAMBERS: So what you want to say is that if the employer drives the car, then he is not liable.

SENATOR HABERMAN: That is correct, if he is taking the employee to or from work.

SENATOR CHAMBERS: But he would have to not own the car in order not to be liable, right?

SENATOR HABERMAN: Will you ask me again, please?

SENATOR CHAMBERS: If he owns the car and is the driver, then he is liable or are you saying that he is not liable whether he owns the car or doesn't own it, just so he is the driver?

SENATOR HABERMAN: If it is a company car, he is exempted just as he is the driver and he is doing his job of picking up and taking his employees back and forth.

SENATOR CHAMBERS: Thank you. Members of the Legislature, I