

am opposed to Senator Haberman's motion to amend because what he is doing is giving the employer absolute immunity even from gross negligence. This employer could be drunk. This employer could deliberately drive the car into the side of a building. As long as it is a case of him driving an employee to work, there is absolutely no liability. So if the employer doesn't like one of the employees and the employee happens to be his wife or his mother-in-law, then all he has to do is load her up in the car and drive to one of these 13,000 rickety county bridges that we have in the state knowing that the bridge will not support the car and he knows what his intention is but the wife doesn't know, the mother-in-law doesn't know and when the car reaches the bridge out jumps Senator Haberman's employer and the car goes onto the bridge and falls into the river and hopefully from the standpoint of the employer the wife or the mother-in-law is drowned and the employer is not liable, at least civilly, because all that he has to do is show that he was driving this individual to work. What I am doing is exaggerating but what I am giving you as an example could occur without any civil liability under the amendment as drafted by Senator Haberman. So let me ask him, Senator Haberman, is that your intention that an employer can be absolutely immune from liability no matter what the circumstances of the accident?

SPEAKER MARVEL: Senator Haberman, do you yield?

SENATOR HABERMAN: Yes, I will yield and I will have to say, no, that is not my intention. If the man is drunk or deliberately causes the accident, then, Senator Chambers, he should be responsible for it but we are going to throw the guest statute out and this opens up the door and this is what scares me.

SENATOR CHAMBERS: Well, Senator Haberman, what your intention is doesn't mean anything when we are writing statutes. Based on your language, the employer is not liable if he is driving the car.

SENATOR HABERMAN: Well, then I am opposed to that.

SPEAKER MARVEL: Senator Chambers, you have one minute.

SENATOR CHAMBERS: Okay, then, thank you, Senator Haberman. I will let you respond if you want to. I hope you will see what has been done or is being done if you adopt Senator Haberman's amendment. I hope you reject it and not complicate the bill with these types of matters. There may be some who have genuine questions about the concept of the bill itself and I would like it to at least have a hearing on the basis of what it will attempt to do without these