

SENATOR HIGGINS: Okay, thank you. As an insurance agent I don't want to tell you the number of times that I have had people who have paid as much as \$1500 to \$2000 a year for insurance and they get hit by a driver that has no insurance. He is driving a car, he is making \$100 to \$200 payments on the car but he can't afford insurance, and as a consequence the fellow who he hits has to get claim under his insurance company and that insurance company could go back at the fellow that hit him except he doesn't have anything except that car that he is making payments on, so there is a mortgage on it. So he really doesn't have anything to get back at. He has no way to make you pay for the damage you have recklessly done. So I agree with you, Senator Chambers, if you will agree with me if I put in a bill that says nobody can drive an automobile that doesn't have liability insurance or if you will agree with me if I put a bill in that says, you can't sue anybody else for bodily injury or property damage if you yourself don't carry that insurance. Would you be agreeable to that, Senator Chambers?

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Senator Higgins, we don't make the justice system whether we are dealing with the civil side of it or the criminal side dependent on one person having one coverage or another. Now it is one thing to say that you have got to have liability insurance before you can drive an automobile and it is another thing to say you must meet a certain financial or economic set of circumstances before the courts are open to you. There should be no limitation on who can sue and the basis for a suit as long as the courts are open for that particular kind of action. But my point in talking about this provision is that if somebody were charged with a crime, convicted and sentenced to the maximum this allows, part of the sentence is not to pay for the damage that was done. All that you have done is put these people on the criminal side of the system and they either go to jail or pay a fine which the person damaged would never see. And I think if that were done....(interruption).

SENATOR HIGGINS: That's my point, if they won't pay you then you have got no other recourse but to put them in jail. In other words, if people habitually do property damage to others and they refuse to pay them, and they refuse to conduct themselves in a manner that they will not be reckless, what recourse does the public have left other than jail sentence?

PRESIDENT: Senator Higgins, as irritating as that is, the criminal justice system should not punish anybody for anything