

March 11, 1982

LB 547

SENATOR CLARK: Senator Beutler, do you wish to close?

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I hope you will think about the possible situations that can come up under this bill and react in what I think is a reasonable manner by striking Section 14. There have been some things said on this floor that are simply not true, said in kind of a bullying manner, if I may say so. First of all, Section 14 is new in the law according to Senator Johnson who just looked it up. It is not existing law. Secondly I don't think that anybody on this floor can show that this is the law in all fifty states. I doubt that very seriously. Thirdly, the time of losses by and large can be established within a reasonable time period. Thirdly, it is incorrect, it is just flat out incorrect to say that the period runs from the time that the loss is discovered because that is not what the language of the statute says. It says you have 72 hours following such loss or damage, following such loss or damage, not following knowledge or discovery of the loss or damage, but following loss or damage. And if you pass this law, it will certainly come to pass that certain innocent individuals will be cut off from recovering despite dishonesty and despite negligence on the part of the hotel or motel. We didn't even talk about dishonesty. If you take the same example I gave you before and the night clerk stole the rings out of the safe, and 72 hours passed before you knew it or you knew you had to give a written report, you would be flat out of luck, just flat out of luck. Senator Cullan's example is another perfect example. There are a number of hypothetical situations that you and I both can think of and the time will come next year or the year after we will be back in here with another bill modifying this situation because some poor fellow or some poor woman got completely ripped off by the 72 hour notice provision. And then they are going to be blaming the Legislature, blaming the lawyers for all these complicated laws. The 72 hour notice provision is simply a trap for the unwary. It is as simple as that and I urge you to think about it and to send the bill back to get rid of Section 14 and bring it back to us in a form which I think would be much more reasonable. Thank you.

SENATOR CLARK: The question before the House is the return of the bill. All those in favor vote aye, opposed vote nay. This will be the last vote on the bill on Final Reading today. Have you all voted? Have you all voted? I am going to call the vote. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, how many are excused?

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