

March 21, 1989

LB 371

boiler plate contract where the weaker party has to accept all or nothing and things in that contract would be detrimental to the weaker, that kind of contract can be set aside too. I never knew I'd see the day when Senator Ashford would be on this floor recommending that the Legislature pass a bill in behalf of adhesion contracts, boiler plate contracts, unconscionable overreaching of the weak by the strong. Senator Ashford, this is one of the most highly regulated industries because of the nature of the product so let me ask you this question if I may. Senator Ashford, why can these people that you represent and who are out in the lobby puffing and panting, or wherever they are, why are they so opposed to putting down in writing what they agreed to?

SENATOR ASHFORD: I have no idea because I haven't asked them, but here is your problem with this...

SENATOR CHAMBERS: My problem?

SENATOR ASHFORD: ...if you want to know the problem...

SENATOR CHAMBERS: Okay.

SENATOR ASHFORD: ...here it is. If you, first of all, contracts of adhesion are not enforceable, number one.

SENATOR CHAMBERS: Right.

SENATOR ASHFORD: Number two, if you have an oral contract and you require it to be in writing under this statute and it is not put in writing, the contract is then void.

PRESIDENT: One minute.

SENATOR ASHFORD: And then you have a problem with...you have a result that is not intended.

SENATOR CHAMBERS: All right, let me ask this.

SENATOR ASHFORD: You have a franchisee...

SENATOR CHAMBERS: Okay, you answer the question, why should not the oral contract that exists now, if it's a fair contract, be reduced to writing? What would...