

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 8, 2006 LB 875

let me go through the notice of risk, because this is not a huge, onerous thing. This is one simple sheet of paper. And by the way, the lobby seems to have heartburn because it's a separate piece of paper. Let me just ask you what you think is practical. If you bury this notice in the little print, among three or four pages of warranties, exclusions, et cetera, et cetera, that they put...that the cadre of lawyers that these people have, put into a contract, how many people are going to see that? How many of you read your contracts when you enter into anything of scale? I bet, if we're honest about it, and I'll be honest about it, I don't read them like I should. And the question is, how far do you go to protect a consumer? But I think a consumer has the right to know and can reasonably expect that if there is some major "gotcha" in that contract, that the law should be required that it be very apparent. That should be...that's a reasonable expectation that the public has. The public does have that expectation. They know that if a drug is harmful, by and large they're not going to be able to get their hands on it, except under certain conditions. They're going to know it's harmful. And right down the line, we make lots of rules and regulations so that the public doesn't have to spend their lives, all of their free time that they have in their lives, reading contract language and reading bottles and little messages on packages, all of which tell them about the quality or the practicality or the product that they're buying. They don't have time in their lives, nor should we expect them, nor do I want them to consume their lives reading the details of contracts, when this Legislature, in a reasonable way, can, through statute, implement the reasonable expectations of people. Now in the case of these car warranty contracts, I don't want this notice buried in that contract, because it's so important, because they're not protected, because the Department of Insurance nor anybody else in this state can assure them that the company that's giving them this policy is going to have adequate reserves to pay them when the time comes to pay them. That assurance cannot be made. That assurance, by and large, can be made with a great many kinds of the insurance policies that you and I and the public has. The Department of Insurance controls it; the Department of Insurance regulates it; the Department of Insurance basically dictates how much money is going to be in reserve, and based on experience, attempt to have