

HB 1966 -- ASBESTOS EXPOSURE

SPONSOR: Riley

This bill applies to asbestos tort actions filed on or after August 28, 2024, and to asbestos actions filed before August 28, 2024, unless the trial date in the asbestos action was set before January 1, 2024, and the trial will begin on or before December 1, 2024.

In its main provisions the bill:

(1) Requires a claimant to provide all parties in an action a sworn statement and information form indicating that all asbestos trust claims that the claimant can file have been completed and filed. In addition, the claimant must provide all parties with all trust materials relating to the asbestos exposure and related claims;

(2) Allows any defendant in an asbestos tort action to file a motion for an order to require the claimant to file the additional asbestos trust claims the defendant believes the claimant is eligible to file;

(3) Requires trust claims materials and trust governance documents to be admissible in evidence. Claims of privilege do not apply to trust claims materials or trust governance documents;

(4) Allows a rebuttable presumption that if a claimant proceeds to trial in an asbestos action before an asbestos trust claim is resolved, the claimant is entitled to, and will receive, the compensation specified in the trust governance documents applicable to his or her claim at the time of trial.

(5) Requires the court to, upon motion by the defendant, dismiss an action without prejudice for the claimant's failure to comply with these disclosure requirements. A defendant may, within three years after judgment, move to reopen a judgment in an asbestos action if a claimant files certain additional asbestos trust claims.

The bill shall not apply to any paid, volunteer, or retired firefighter, paramedic, or emergency medical technician.

This bill is similar to HB 274 (2023) and HB 1717 (2022).