

REFERENCE TITLE: asbestos claims; required information; liability

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1157

Introduced by
Senators Leach: Borrelli, Kerr, Livingston, Shope

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 19, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 12-783 AND 12-784; RELATING TO ASBESTOS LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 6, article 19, Arizona Revised
3 Statutes, is amended by adding sections 12-783 and 12-784, to read:

4 12-783. Asbestos personal injury claim; sworn statement;
5 required information; dismissal; definition

6 A. IN ANY ACTION INVOLVING A PERSONAL INJURY CLAIM ARISING FROM
7 EXPOSURE TO ASBESTOS AND IN ADDITION TO ANY REQUIREMENTS FOR ASBESTOS
8 EXPOSURE RELATED CLAIMS PRESCRIBED IN SECTION 12-782, A PLAINTIFF SHALL
9 FILE A SWORN STATEMENT WITHIN THIRTY DAYS AFTER ANY ASBESTOS ACTION IS
10 FILED. THE SWORN STATEMENT SHALL SPECIFY THE EVIDENCE THAT PROVIDES THE
11 BASIS FOR EACH CLAIM AGAINST EACH DEFENDANT AND SHALL INCLUDE ALL OF THE
12 FOLLOWING WITH SPECIFICITY:

13 1. THE NAME, ADDRESS, DATE OF BIRTH, MARITAL STATUS, OCCUPATION,
14 SMOKING HISTORY, CURRENT AND PAST WORKSITES AND CURRENT AND PAST EMPLOYERS
15 FOR THE EXPOSED PERSON AND ANY PERSON THROUGH WHOM THE EXPOSED PERSON WAS
16 EXPOSED TO ASBESTOS.

17 2. EACH PERSON WHO IS KNOWLEDGEABLE REGARDING THE PLAINTIFF'S
18 EXPOSURES.

19 3. EACH ASBESTOS-CONTAINING PRODUCT TO WHICH THE PERSON WAS EXPOSED
20 OR THE OTHER PERSON WAS EXPOSED IF EXPOSURE WAS THROUGH ANOTHER PERSON.

21 4. THE IDENTITY OF THE MANUFACTURER OR SELLER OF THE SPECIFIC
22 ASBESTOS PRODUCT FOR EACH EXPOSURE.

23 5. THE SPECIFIC LOCATION AND MANNER OF EACH EXPOSURE, INCLUDING FOR
24 ANY PERSON THROUGH WHOM THE EXPOSED PERSON WAS EXPOSED TO ASBESTOS.

25 6. THE BEGINNING AND ENDING DATES OF EACH EXPOSURE, THE FREQUENCY
26 AND LENGTH OF EACH EXPOSURE AND THE PROXIMITY OF THE ASBESTOS-CONTAINING
27 PRODUCT OR ITS USE TO THE EXPOSED PERSON AND ANY PERSON THROUGH WHOM THE
28 EXPOSED PERSON WAS EXPOSED TO ASBESTOS.

29 7. THE SPECIFIC ASBESTOS-RELATED DISEASE CLAIMED TO EXIST.

30 8. ANY SUPPORTING DOCUMENTATION RELATING TO THE INFORMATION
31 REQUIRED BY THIS SUBSECTION.

32 B. A PLAINTIFF HAS A CONTINUING DUTY TO SUPPLEMENT THE INFORMATION
33 THAT IS REQUIRED TO BE DISCLOSED PURSUANT TO SUBSECTION A OF THIS SECTION.

34 C. ON MOTION BY A DEFENDANT, THE COURT SHALL DISMISS A PLAINTIFF'S
35 CLAIM WITHOUT PREJUDICE AS TO ANY DEFENDANT WHOSE PRODUCT OR PREMISES IS
36 NOT IDENTIFIED IN THE REQUIRED DISCLOSURES SET FORTH IN SUBSECTION A OF
37 THIS SECTION.

38 D. ON MOTION BY A DEFENDANT, THE COURT SHALL DISMISS A PLAINTIFF'S
39 CLAIM WITHOUT PREJUDICE AS TO ALL DEFENDANTS IF THE PLAINTIFF FAILS TO
40 COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

41 E. FOR THE PURPOSES OF THIS SECTION, "PERSONAL INJURY CLAIM" HAS
42 THE SAME MEANING PRESCRIBED IN SECTION 12-782.

1 12-784. Nonliability for third-party asbestos products:
2 definition

3 A. A DEFENDANT IN ANY PRODUCT LIABILITY ACTION ARISING FROM
4 EXPOSURE TO ASBESTOS IS NOT LIABLE FOR EXPOSURES FROM A LATER-ADDED
5 ASBESTOS-CONTAINING PRODUCT THAT WAS MANUFACTURED, DISTRIBUTED OR SOLD BY
6 A THIRD PARTY.

7 B. FOR THE PURPOSES OF THIS SECTION, "PRODUCT LIABILITY ACTION" HAS
8 THE SAME MEANING PRESCRIBED IN SECTION 12-681.

9 Sec. 2. Applicability

10 Sections 12-783 and 12-784, Arizona Revised Statutes, as added by
11 this act, apply to personal injury claims arising from exposure to
12 asbestos that are filed on or after the effective date of this act.