Senate Engrossed

asbestos claims; required information; liability

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

SENATE BILL 1157

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 12, chapter 6, article 19, Arizona Revised Statutes, is amended by adding section 12-783, to read:

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

A. IN ANY ACTION INVOLVING A PERSONAL INJURY CLAIM ARISING FROM EXPOSURE TO ASBESTOS AND IN ADDITION TO ANY REQUIREMENTS FOR ASBESTOS EXPOSURE RELATED CLAIMS PRESCRIBED IN SECTION 12-782, A PLAINTIFF SHALL FILE A SWORN STATEMENT WITHIN FORTY-FIVE DAYS AFTER ANY ASBESTOS ACTION IS FILED. THE SWORN STATEMENT SHALL SPECIFY THE FACTS THAT PROVIDE THE BASIS FOR EACH CLAIM AGAINST EACH DEFENDANT AND SHALL INCLUDE ALL OF THE FOLLOWING WITH SPECIFICITY:

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

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

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

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

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

6. THE BEGINNING AND ENDING DATES OF EACH EXPOSURE AND THE FREQUENCY OF EACH EXPOSURE INCLUDING FOR ANY PERSON THROUGH WHOM THE EXPOSED PERSON WAS EXPOSED TO ASBESTOS.

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

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

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

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

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

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

Sec. 2. Applicability

Section 12-783, Arizona Revised Statutes, as added by this act, applies to personal injury claims arising from exposure to asbestos that are filed on or after the effective date of this act.