

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 331

AN ACT

To amend chapter 537, RSMo, by adding thereto two new sections relating to actions for damages due to exposure to asbestos.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto two new sections, to be known as sections 537.880 and 537.882, to read as follows:

537.880. 1. The provisions of sections 537.880 to 537.882 shall apply to asbestos actions filed on or after the effective date of such sections and to pending asbestos actions in which trial has not commenced as of such date.

2. As used in sections 537.880 to 537.882, the following words and terms shall mean, unless the context clearly requires otherwise:

(1) "Asbestos action", any claim for damages or other relief presented in a civil action arising out of, based on, or related to the health effects of exposure to asbestos and any derivative claim made by or on behalf of a person exposed to asbestos or a representative, spouse, parent, child, or other relative of that person;

(2) "Claimant", any person bringing an asbestos action, including a personal representative if the asbestos action is brought by an estate, or a conservator or next friend if the asbestos action is brought on behalf of a minor or legally incapacitated individual. "Claimant" includes a claimant, counter-claimant, cross-claimant, or third-party claimant;

(3) "Exposed person", any person whose exposure to asbestos or to asbestos-containing products is the basis for an asbestos action.

537.882. 1. Within thirty days after an asbestos action is filed or within thirty days of the effective date of this section for asbestos actions that are pending on the effective date, the claimant in an asbestos action shall file a sworn information form specifying the evidence that provides the basis for each claim against each defendant. The sworn information form 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 of the exposed person, and any other person through whom the exposed person was exposed to asbestos;

(2) Each asbestos-containing product to which the exposed person was exposed and each physical location at which the exposed person was exposed to asbestos, or the other person was exposed if exposure was through another person;

(3) The specific location and manner of each exposure, including for any person through whom the exposed person was exposed to asbestos;

(4) The beginning and ending dates of each exposure, the frequency and length of each exposure, and the proximity of the asbestos-containing product or its use to the exposed person and any person through whom the exposed person was exposed to asbestos;

(5) The specific asbestos-related disease claimed to exist;

(6) A certification that no prior asbestos actions have been made on the claimant's behalf or, if the claimant

has filed prior asbestos actions, information as to the case name, case number, and court; and

(7) Any supporting documentation relating to the information required in this subsection.

2. A claimant's obligation to provide sworn information pursuant to subsection 1 of this section is in addition to any court ordered disclosures. Claimants have a continuing duty to supplement the information that is required to be disclosed in subsection 1 of this section within thirty days after the claimant receives additional information that is required to be disclosed.

3. The court, on motion by a defendant, shall dismiss a claimant's asbestos action without prejudice as to any defendant whose product or premises is not identified in the required disclosures set forth in subsection 1 of this section.

4. The court, on motion by a defendant, shall dismiss a claimant's asbestos action without prejudice as to all defendants if the claimant fails to comply with the requirements of this section.