

SENATE BILL NO. 331

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

1535S.01H

ADRIANE D. CROUSE, Secretary

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
2 two new sections, to be known as sections 537.880 and 537.882,
3 to read as follows:

537.880. 1. The provisions of sections 537.880 to
2 537.882 shall apply to asbestos actions filed on or after
3 the effective date of such sections and to pending asbestos
4 actions in which trial has not commenced as of such date.

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

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

14 (2) "Claimant", any person bringing an asbestos
15 action, including a personal representative if the asbestos
16 action is brought by an estate, or a conservator or next
17 friend if the asbestos action is brought on behalf of a
18 minor or legally incapacitated individual. "Claimant"

19 includes a claimant, counter-claimant, cross-claimant, or
20 third-party claimant;

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

537.882. 1. Within thirty days after an asbestos
2 action is filed or within thirty days of the effective date
3 of this section for asbestos actions that are pending on the
4 effective date, the claimant in an asbestos action shall
5 file a sworn information form specifying the evidence that
6 provides the basis for each claim against each defendant.
7 The sworn information form shall include all of the
8 following with specificity:

9 (1) The name, address, date of birth, marital status,
10 occupation, smoking history, current and past worksites, and
11 current and past employers of the exposed person, and any
12 other person through whom the exposed person was exposed to
13 asbestos;

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

19 (3) The identity of the manufacturer or seller of the
20 specific asbestos product for each exposure;

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

24 (5) The beginning and ending dates of each exposure,
25 the frequency and length of each exposure, and the proximity
26 of the asbestos-containing product or its use to the exposed

27 person and any person through whom the exposed person was
28 exposed to asbestos;

29 (6) The specific asbestos-related disease claimed to
30 exist;

31 (7) A certification that no prior asbestos actions
32 have been made on the claimant's behalf or, if the claimant
33 has filed prior asbestos actions, information as to the case
34 name, case number, and court;

35 (8) A certification that any claim that can be made by
36 the exposed person with a bankruptcy trust concerning any
37 asbestos injury has been filed; and

38 (9) Any supporting documentation relating to the
39 information required in this subsection.

40 2. Asbestos bankruptcy trust claim materials,
41 including any final executed proof of claim and all
42 documents and information submitted to or received from an
43 asbestos bankruptcy trust by a claimant, are presumed to be
44 relevant and authentic and are admissible in evidence.

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

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

57 5. The court, on motion by a defendant, shall dismiss
58 a claimant's asbestos action without prejudice as to all

59 defendants if the claimant fails to comply with the
60 requirements of this section.

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