



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

House: JUD DPA 10-0-0-0

HB 2253: asbestos claims; required information; liability.

Sponsor: Representative Grantham, LD 12

Caucus & COW

Overview

Outlines requirements for filing a personal injury claim involving asbestos exposure.

History

In any action involving a personal injury claim, within 45 days after the filing of a defendant's answer, a plaintiff is required to provide all parties a sworn statement identifying each personal injury claim that the plaintiff has filed or reasonably anticipates filing against an asbestos trust. The statement for each claim must include the name, address and contact information for the asbestos trust, the amount claimed by the plaintiff, the date the plaintiff filed the claim, the disposition of the claim and whether there has been a request to defer, delay, suspend or toll the claim against the asbestos trust.

Additionally, within 60 days after the filing of a defendant's answer, a plaintiff is required to provide all parties with all of the following: 1) for each personal injury claim filed against an asbestos trust, a copy of the final executed proof of claim, all trust documents including trust of claims materials, trust governance documents, any documents reflecting the current status of the claim and, if the claim is settled, all documents relating to the settlement of the claim; and 2) a list of each personal injury claim the plaintiff reasonably anticipates filing against an asbestos trust, including the name, address and contact information for the asbestos trust and the amount that the plaintiff anticipates claiming against the asbestos trust ([A.R.S. § 12-782](#)).

Provisions

1. Requires a person filing an action for a personal injury claim involving asbestos exposure to file a sworn statement within 30 days. (Sec. 1)
2. Lists the information required to be included in the sworn statement. (Sec. 1)
3. States the plaintiff has a continuing duty to supplement the information in the sworn statement. (Sec. 1)
4. Mandates the court, on motion by the defendant, to dismiss any claim in which the plaintiff did not provide the required information or the defendant's product or premises were not identified in the required disclosures. (Sec. 1)
5. Specifies the definition of *personal injury claim*. (Sec. 1)
6. Specifies a defendant is not liable for asbestos exposures from a later-added asbestos-containing product manufactured, distributed or sold by a third party. (Sec. 1)
7. Specifies this act applies to personal injury claims arising from asbestos exposure filed on or after the general effective date. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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Amendments

Committee on Judiciary

1. Requires a sworn statement filed for an asbestos-related personal injury claim to be filed within 45 days, rather than 30 days, of filing the action.
2. Requires the sworn statement to specify the facts, rather than the evidence, providing the basis for each claim.
3. Removes the requirement that the sworn statement include the length of each asbestos exposure and the proximity of the asbestos-containing product or its use to the exposed person.
4. Removes a provision establishing nonliability for a defendant if asbestos exposure occurred through a later-added asbestos-containing product manufactured, distributed or sold by a third party.