



House of Representatives

General Assembly

File No. 707

January Session, 2011

House Bill No. 6341

House of Representatives, May 3, 2011

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE STATUTE OF REPOSE FOR ASBESTOS-RELATED PRODUCT LIABILITY CLAIMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-577a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage and*
3 *applicable to any cause of action arising from any contact with or exposure to*
4 *asbestos occurring prior to, on or after said date*):

5 (a) No product liability claim, as defined in section 52-572m, shall be
6 brought but within three years from the date when the injury, death or
7 property damage is first sustained or discovered or in the exercise of
8 reasonable care should have been discovered, except that, subject to
9 the provisions of subsections (c), (d) and (e) of this section, no such
10 action may be brought against any party nor may any party be
11 impleaded pursuant to subsection (b) of this section later than ten
12 years from the date that the party last parted with possession or
13 control of the product.

14 (b) In any such action, a product seller may implead any third party
15 who is or may be liable for all or part of the claimant's claim, if such
16 third party defendant is served with the third party complaint within
17 one year from the date the cause of action brought under subsection (a)
18 of this section is returned to court.

19 (c) The ten-year limitation provided for in subsection (a) of this
20 section shall not apply to any product liability claim brought by a
21 claimant who is not entitled to compensation under chapter 568,
22 provided the claimant can prove that the harm occurred during the
23 useful safe life of the product. In determining whether a product's
24 useful safe life has expired, the trier of fact may consider among other
25 factors: (1) The effect on the product of wear and tear or deterioration
26 from natural causes; (2) the effect of climatic and other local conditions
27 in which the product was used; (3) the policy of the user and similar
28 users as to repairs, renewals and replacements; (4) representations,
29 instructions and warnings made by the product seller about the useful
30 safe life of the product; and (5) any modification or alteration of the
31 product by a user or third party.

32 (d) The ten-year limitation provided for in subsection (a) of this
33 section shall be extended pursuant to the terms of any express written
34 warranty that the product can be used for a period longer than ten
35 years, and shall not preclude any action against a product seller who
36 intentionally misrepresents a product or fraudulently conceals
37 information about it, provided the misrepresentation or fraudulent
38 concealment was the proximate cause of harm of the claimant.

39 (e) The ten-year limitation provided for in subsection (a) of this
40 section shall not apply to any product liability claim, whenever
41 brought, involving injury, death or property damage caused by contact
42 with or exposure to asbestos, [, except that (1) no such action for
43 personal injury or death may be brought by the claimant later than
44 sixty years from the date that the claimant last had contact with or
45 exposure to asbestos, and (2) no such action for damage to property
46 may be brought by the claimant later than thirty years from the date of

47 last contact with or exposure to asbestos.]

48 (f) The definitions contained in section 52-572m shall apply to this
49 section.

50 (g) The provisions of this section shall apply to all product liability
51 claims brought on or after October 1, 1979.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to any cause of action arising from any contact with or exposure to asbestos occurring prior to, on or after said date</i>	52-577a

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill impacts litigation between private parties and has no fiscal impact upon the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 6341*****AN ACT CONCERNING THE STATUTE OF REPOSE FOR ASBESTOS-RELATED PRODUCT LIABILITY CLAIMS.*****SUMMARY:**

Under current law, a product liability lawsuit for damages caused by contact with or exposure to asbestos must be brought within (1) 60 years of the date of the claimant's last contact with or exposure to asbestos, if the claim is for personal injury or death or (2) 30 years of the last contact or exposure, if the claim is for property damage. This bill eliminates these time limits.

By law, unchanged by the bill, the claimant must bring the lawsuit within three years of the date the injury or damage was first sustained or discovered, or should have been discovered in exercising reasonable care.

EFFECTIVE DATE: Upon passage, and applicable to any cause of action arising from contact with or exposure to asbestos occurring before, on, or after passage.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 24 Nay 15 (04/14/2011)