



General Assembly

January Session, 2011

**Raised Bill No. 6341**

LCO No. 3219

\*03219\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***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 Section 52-577a of the general statutes is repealed and the  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

**Statement of Purpose:**

To eliminate the statute of repose for asbestos-related product liability claims.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*