



House of Representatives

File No. 883

General Assembly

January Session, 2011

(Reprint of File No. 707)

House Bill No. 6341
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
June 2, 2011

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 Section 52-577a of the general statutes is repealed and the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] eighty years from the date that the claimant last had contact
45 with or exposure to asbestos, and (2) no such action for damage to
46 property may be brought by the claimant later than thirty years from
47 the date of 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.

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| 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 |

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.

House "A" (LCO 8002) was technical and resulted in no fiscal impact.

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

OLR Bill Analysis**HB 6341 (as amended by House "A")******AN ACT CONCERNING THE STATUTE OF REPOSE FOR ASBESTOS-RELATED PRODUCT LIABILITY CLAIMS.*****SUMMARY:**

This bill increases, from 60 to 80 years after a person's last contact with or exposure to asbestos, the period during which the person can bring a lawsuit for personal injury or death caused by such contact or exposure. The period for lawsuits relating to asbestos-related property damage remains at 30 years after the last contact or exposure.

By law, for any asbestos-related product liability lawsuit (whether for personal injuries or property damage), 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.

*House Amendment "A" increases the time for bringing an asbestos-related personal injury or death action from 60 to 80 years as described above, whereas the original file eliminated the 60- and 30-year limits for asbestos-related actions for personal injury and property damage, respectively.

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)