

HB 2438 -- ACTIONS FOR DAMAGES RELATED TO ASBESTOS

SPONSOR: Corlew

This bill applies to asbestos tort actions filed on or after August 28, 2016, and to pending asbestos tort actions where trial has not commenced as of such date. In its main provisions, the bill:

(1) Requires a claimant to provide all parties in an action a sworn statement identifying each asbestos trust claim he or she has filed or reasonably anticipates filing against an asbestos trust including all available information related to the claim and contact information for the trust;

(2) Allows any defendant in an asbestos tort action to file a motion with the court and with notice to the claimant and all parties in the action, for an order to stay the proceedings. The motion must contain all credible evidence demonstrating the identities of all asbestos trusts not previously disclosed by the claimant under Section 537.882, RSMo, including all information the defendant believes supports the additional asbestos trust claim;

(3) Requires trust claims materials and trust governance documents to be admissible in evidence. Claims of privilege do not apply to trust claims materials or trust governance documents; and

(4) Provides that a noncancer asbestos trust claim and a cancer asbestos trust claim are based on distinct injuries caused by a person's exposure to asbestos and is subject to disclosure. The parties in the asbestos tort action may introduce at trial any trust claims material to prove alternative causation for the exposed person's claimed injury, death, or loss to person, to prove a basis to allocate responsibility for the claimant's claimed injury, death, or loss to person, and to prove issues relevant to an adjudication of the asbestos claim, unless the exclusion of the trust claims material is otherwise required by the rules of evidence. An asbestos trust claim rejected by an asbestos trust may be excluded as evidence if the exclusion is required by the rules of evidence.

This bill is similar to HB 1270 (2015).