



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5294

by Rep. David Reis

SYNOPSIS AS INTRODUCED:

735 ILCS 5/Art. VIII, Pt. 28 heading new
735 ILCS 5/8-2801 new

Amends the Code of Civil Procedure. Provides that in any case in which the plaintiff makes a claim based upon exposure to asbestos, the following issues are relevant to the determination of liability and damages, the court shall allow the parties to present evidence concerning these issues, and the trier of fact shall determine liability and damages based on these issues, together with any other relevant issues: (1) whether the plaintiff had exposure to any asbestos manufactured by, processed by, or otherwise associated with any entity other than the defendant; (2) whether the plaintiff's exposure to asbestos was to asbestos exclusively manufactured by, processed by, or otherwise associated with the defendant; and (3) whether there is a causal relationship between the plaintiff's alleged injuries and the asbestos manufactured by, processed by, or otherwise associated with the defendant. Effective immediately.

LRB095 17027 AJ0 43076 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by adding
5 Part 28 to Article VIII as follows:

6 (735 ILCS 5/Art. VIII, Pt. 28 heading new)

7 Part 28. ASBESTOS

8 (735 ILCS 5/8-2801 new)

9 Sec. 8-2801. Asbestos. In any case in which the plaintiff
10 makes a claim based upon exposure to asbestos, the following
11 issues are relevant to the determination of liability and
12 damages, the court shall allow the parties to present evidence
13 concerning these issues, and the trier of fact shall determine
14 liability and damages based on these issues, together with any
15 other relevant issues:

16 (1) whether the plaintiff had exposure to any asbestos
17 manufactured by, processed by, or otherwise associated with any
18 entity other than the defendant;

19 (2) whether the plaintiff's exposure to asbestos was to
20 asbestos exclusively manufactured by, processed by, or
21 otherwise associated with the defendant; and

22 (3) whether there is a causal relationship between the

1 plaintiff's alleged injuries and the asbestos manufactured by,
2 processed by, or otherwise associated with the defendant.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.