



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1966

Introduced 2/20/2009, by Sen. Kirk W. Dillard

#### 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 those 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.

LRB096 08755 AJO 18887 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 those 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.