

SB0723



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0723

Introduced 1/30/2017, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

735 ILCS 5/Art. VIII, Pt. 29 heading new
735 ILCS 5/8-2901 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: (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. Provides that the court shall allow the parties to present evidence concerning these issues and that the trier of fact shall determine liability and damages based on these issues, together with any other relevant issues. Effective immediately.

LRB100 07037 HEP 17091 b

A BILL FOR

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 29 to Article VIII as follows:

6 (735 ILCS 5/Art. VIII, Pt. 29 heading new)

7 Part 29. Asbestos

8 (735 ILCS 5/8-2901 new)

9 Sec. 8-2901. 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:

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

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

19 (3) whether there is a causal relationship between the
20 plaintiff's alleged injuries and the asbestos manufactured
21 by, processed by, or otherwise associated with the
22 defendant.

1 The court shall allow the parties to present evidence
2 concerning these issues, and the trier of fact shall determine
3 liability and damages based on these issues, together with any
4 other relevant issues.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.