

SB104 ENROLLED



1 SB104
2 8X7YHFF-3
3 By Senator Carnley
4 RFD: Judiciary
5 First Read: 15-Feb-24



SB104 Enrolled

1 Enrolled, An Act,

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4 Relating to asbestos actions; to amend Sections
5 6-5-691, 6-5-692, and 6-5-693, Code of Alabama 1975, to
6 further provide for various requirements for asbestos actions;
7 and to authorize a defendant in an asbestos action to be
8 dismissed if certain requirements are not met.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 6-5-691, 6-5-692, and 6-5-693, Code
11 of Alabama 1975, are amended to read as follows:

12 "§6-5-691

13 For the purposes of this article, the following terms
14 ~~shall~~ have the following meanings:

15 (1) ASBESTOS ACTION. A civil action arising out of,
16 based on, or related to the health effects of exposure to
17 asbestos and any derivative claim made by or on behalf of a
18 person exposed to asbestos or a representative, spouse,
19 parent, child, or other relative of that person. The term
20 asbestos action does not include claims alleging ovarian
21 cancer.

22 (2) ASBESTOS TRUST. A government-approved or
23 court-approved trust, qualified settlement fund, compensation
24 fund, or claims facility that is created as a result of an
25 administrative or legal action, a court-approved bankruptcy,
26 pursuant to 11 U.S.C. § 524(g), 11 U.S.C. § 1121(a), or other
27 applicable provision of law, that is intended, in whole or in
28 part, to provide compensation to claimants arising out of,



SB104 Enrolled

29 based on, or related to the health effects of exposure to
30 asbestos.

31 (3) EXPOSED PERSON. A person whose exposure to asbestos
32 or to asbestos-containing products is the basis for an
33 asbestos action.

34 ~~(3)~~ (4) TRUST CLAIM MATERIALS. A final executed proof of
35 claim and all documents and information submitted to or
36 received from an asbestos trust, including claim forms and
37 supplementary materials, affidavits, medical and health
38 records, depositions and trial testimony of the plaintiff and
39 others knowledgeable about the plaintiff's exposure history,
40 work history, exposure allegations, and all documents that
41 reflect the status of a claim against an asbestos trust and if
42 the trust claim has been resolved.

43 ~~(4)~~ (5) TRUST GOVERNANCE DOCUMENTS. All documents that
44 relate to eligibility and payment levels, including claims
45 payment matrices, trust distribution procedures, or plans for
46 reorganization, for an asbestos trust."

47 "§6-5-692

48 (a) ~~Subject to Section 6-5-693, within 90 days after a~~
49 ~~plaintiff who files an asbestos action, the plaintiff within~~
50 45 days, shall do all of the following: provide

51 ~~(1) Provide all parties with an affidavit, signed under~~
52 ~~oath~~ information form attested by the plaintiff, specifying the
53 basis for each claim against each defendant and stating all of
54 the following with specificity:

55 a. (1) The plaintiff's exposed person's name, address,
56 date of birth, Social Security number, marital status, smoking



SB104 Enrolled

57 history, occupation, and current and past worksites and
58 employers, and if the plaintiff exposed person alleges
59 exposure to asbestos through another person, the identity of
60 the other person, and that person's relationship to the
61 plaintiff exposed person.

62 ~~b.~~ (2) The asbestos-related disease claimed to exist.

63 ~~c.~~ (3) An affirmation that the plaintiff and
64 plaintiff's his or her counsel have conducted an investigation
65 into all potential sources of the plaintiff's exposed person's
66 exposure to asbestos and identified.

67 (4) The identity, with specificity, of each and every
68 source of exposure to asbestos that is available or known to
69 the plaintiff or plaintiff's his or her counsel for the exposed
70 person and any person through which the plaintiff alleges
71 exposure, including all asbestos-containing products to which
72 the plaintiff exposed person or other person was exposed,
73 whether from bankrupt entities or otherwise, and all premises
74 at which the plaintiff and the other exposed person werewas
75 exposed to asbestos; the.

76 (5) The specific location and manner of each alleged
77 exposure to asbestos; the.

78 (6) The beginning and ending dates of each alleged
79 exposure; and the.

80 (7) The specific connection of each defendant to the
81 alleged exposure to asbestos.

82 (8) The name, address, and relationship to the exposed
83 person of each individual who is knowledgeable regarding the
84 exposed person's exposures to asbestos.



SB104 Enrolled

85 ~~(2)(9) Provide all parties with all~~All supporting
86 documentation relating to ~~this~~the information required by
87 this section.

88 (b) If a defendant that is specifically identified in
89 the plaintiff's attestation as a source of exposure presents
90 evidence that the ~~plaintiff's affidavit~~attestation is
91 incomplete, the defendant may move the court for an order to
92 require the plaintiff to supplement the ~~affidavit~~attestation.
93 If the court determines that there is a sufficient basis for
94 the plaintiff to supplement the ~~affidavit~~attestation, the
95 court shall enter an order to require the plaintiff to
96 supplement the ~~affidavit~~attestation and shall stay the action
97 until the plaintiff supplements the ~~affidavit~~attestation as
98 provided by the court and produces the supplemental
99 ~~affidavit~~attestation to the parties.

100 (c) The court shall dismiss the plaintiff's claim
101 without prejudice if the plaintiff fails to provide the
102 information required in this section or fails to satisfy an
103 order to supplement the plaintiff's ~~affidavit~~attestation
104 ~~within 90 days from~~ the time the information is required to be
105 provided to the parties.

106 (d) A defendant whose product or premises is not
107 specifically identified in the plaintiff's attestation may
108 file a motion with the court to dismiss the plaintiff's claim
109 against that defendant without prejudice."

110 "§6-5-693

111 ~~(a) A plaintiff in an asbestos action need not comply~~
112 ~~with Section 6-5-692 if, within 90~~Within 60 days after the



SB104 Enrolled

113 plaintiff files an asbestos action, the plaintiff ~~files~~ shall
114 file all available asbestos trust claims and ~~provides~~ provide
115 the parties with all trust claim materials available to the
116 plaintiff or ~~plaintiff's~~ his or her counsel in relation to the
117 ~~plaintiff's~~ exposed person's exposure to asbestos. ~~This~~
118 ~~section does not apply if the plaintiff complies with Section~~
119 ~~6-5-692.~~

120 (b) A plaintiff has a continuing duty to supplement the
121 information and materials provided under subsection (a) within
122 30 days after the plaintiff supplements an asbestos trust
123 claim, receives additional information or materials related to
124 an asbestos trust claim, or files an additional trust claim.

125 (c) Not less than 60 days before trial, if a defendant
126 presents evidence that the plaintiff has not filed all
127 available asbestos trust claims, as required under subsection
128 (a), the defendant may move the court for an order to require
129 the plaintiff to file additional trust claims. If a defendant
130 has previously filed a motion under this section, the court
131 shall not grant a subsequent motion if the defendant knew that
132 the claimant met the criteria for payment for the additional
133 trust claim identified in the subsequent motion at the time
134 the earlier motion was filed.

135 (d) Trial in an asbestos action may not begin until at
136 least 60 days after the plaintiff complies with this section."

137 Section 2. This act shall become effective on October
138 1, 2024.



SB104 Enrolled

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB104
Senate 04-Apr-24
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 25-Apr-24

By: Senator Carnley