

House Bill 638

By: Representatives Scoggins of the 14th, Kelley of the 16th, and Gambill of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 51 of the Official Code of Georgia Annotated, relating to
2 asbestos and silica claims, so as to revise filing requirements for asbestos claims and silica
3 claims; to provide for nonliability of product liability defendants in certain circumstances;
4 to provide for related matters; to provide for an effective date and for applicability; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 14 of Title 51 of the Official Code of Georgia Annotated, relating to asbestos and
9 silica claims, is amended by revising Code Section 51-14-7, relating to sworn information
10 form providing required information, failure to state a claim, and class actions barred, as
11 follows:

12 "51-14-7.

13 (a) All asbestos claims and silica claims filed in this state on or after May 1, 2007, and
14 prior to May 1, 2021, shall include with the complaint a sworn information form containing
15 the following information:

- 16 (1) The exposed person's name, address, date of birth, social security number, and
17 marital status;
- 18 (2) If the exposed person alleges exposure to asbestos or silica through the testimony of
19 another person or other than by direct or bystander exposure to a product or products, the
20 name, address, date of birth, social security number, and marital status for each person
21 by which claimant alleges exposure, hereafter the 'index person,' and the claimant's
22 relationship to each such person;
- 23 (3) The specific location of each alleged exposure;
- 24 (4) The specific asbestos-containing product or silica-containing product to which the
25 exposed person was exposed and the manufacturer of each product;
- 26 (5) The beginning and ending dates of each alleged exposure as to each
27 asbestos-containing product or silica-containing product for each location at which
28 exposure allegedly took place for plaintiff and for each index person;
- 29 (6) The occupation and name of employer of the exposed person at the time of each
30 alleged exposure;
- 31 (7) The specific condition related to asbestos or silica claimed to exist;
- 32 (8) Any supporting documentation of the condition claimed to exist; and
- 33 (9) The identity of any bankruptcy trust to which a claim has been submitted concerning
34 any asbestos or silica injury of the exposed person, attaching any claim form or other
35 information submitted to such trust or trusts with respect to the exposed person. Plaintiff
36 must also identify any bankruptcy trust that the plaintiff believes is or may be liable for
37 all or part of the injury at issue, even if a claim has not been submitted to that trust at the
38 time the complaint is filed.
- 39 (b) All asbestos claims and silica claims filed on or after May 1, 2021, shall include with
40 the complaint a sworn information form specifying the evidence that provides the basis for
41 each claim against each defendant. The sworn information form shall include all of the
42 following information with specificity:

- 43 (1) The exposed person's name, address, date of birth, social security number, and
44 marital status;
- 45 (2) If the exposed person alleges exposure to asbestos or silica through the testimony of
46 another person or other than by direct or bystander exposure to a product or products, the
47 name, address, date of birth, social security number, and marital status for each person
48 by which claimant alleges exposure, hereafter the 'index person,' and the claimant's
49 relationship to each such person;
- 50 (3) The specific location and manner of each alleged exposure, including for each index
51 person;
- 52 (4) The specific asbestos-containing product or silica-containing product to which the
53 exposed person and each index person were exposed and the manufacturer or seller of
54 each product;
- 55 (5) The beginning and ending dates of each exposure, the frequency and length of each
56 exposure, and the proximity of each asbestos-containing product or silica-containing
57 product or its use to the exposed person and for each index person;
- 58 (6) The occupation, current and past employers, and current and past worksites of the
59 exposed person and for each index person;
- 60 (7) The specific condition related to asbestos or silica claimed to exist;
- 61 (8) A certification that any claim that can be made by the exposed person with a
62 bankruptcy trust concerning any asbestos or silica injury has been filed; and
- 63 (9) Any supporting documentation relating to the information required under this
64 subsection.
- 65 (c) The claimant shall have a continuing duty to supplement the information required to
66 be disclosed under subsections (a) and (b) of this Code section.
- 67 (d) If a plaintiff claimant filing an asbestos claim or silica claim fails to file with the
68 complaint a sworn information form or files a sworn information form that is allegedly
69 defective or incomplete, and one or more defendants allege, with specificity, by motion to

70 dismiss filed on or before the close of discovery, that said sworn information form is
71 missing, defective, or incomplete, the plaintiff's complaint shall be dismissed without
72 prejudice for failure to state a claim, except that the plaintiff claimant may file the sworn
73 information form or cure the alleged defect or omission any time between service of the
74 motion to dismiss and 30 days after any order of dismissal identifying the defective or
75 missing item or items. The trial court may, in the exercise of its discretion, extend the time
76 for filing the missing information as it shall determine justice requires.

77 ~~(e)~~(e) All asbestos claims and silica claims along with sworn information forms must be
78 individually filed in separate civil actions except that claims relating to the exposure to
79 asbestos or silica for the same exposed person whose alleged injury is the basis for the civil
80 action may be joined in a single action. Otherwise, no claims on behalf of a group or class
81 of persons shall be joined in single civil action."

82 **SECTION 2.**

83 Said chapter is further amended by revising Code Section 51-14-12, relating to application
84 of chapter dependent upon date claim accrues, as follows:

85 "51-14-12.

86 (a) Asbestos claims and silica claims that accrued before April 12, 2005, or that will
87 accrue on or after May 1, 2007, shall be governed by this chapter, as it exists on May 1,
88 2007. Asbestos claims and silica claims that accrued on or after April 12, 2005, and before
89 May 1, 2007, shall be governed by Chapter 14 of Title 51, as enacted on April 12, 2005,
90 by 2005 Act No. 29 (Ga. L. 2005, p. 145).

91 (b) Notwithstanding the foregoing, all asbestos claims and silica claims filed on or after
92 April 12, 2005, and before May 1, 2007, shall be subject to and comply with the provisions
93 of Code Sections 51-14-6, 51-14-7, 51-14-8, 51-14-9, and 51-14-10, as enacted on
94 April 12, 2005, by 2005 Act No. 29 (Ga. L. 2005, p. 145). All asbestos claims and silica

95 claims filed on or after May 1, 2007, shall be subject to and comply with Code Sections
96 51-14-7, 51-14-8, 51-14-9, 51-14-10, and 51-14-11, as they exist on May 1, 2007.

97 (c) Notwithstanding subsections (a) and (b) of this Code section, all asbestos claims and
98 silica claims filed on or after the effective date of this subsection shall be subject to and
99 comply with Code Section 51-14-7 as it exists on the effective date of this subsection."

100 **SECTION 3.**

101 Said chapter is further amended by adding a new Code section to read as follows:

102 "51-14-14.

103 A product liability defendant in an asbestos action shall not be liable for exposures from
104 a product or component part made or sold by a third party."

105 **SECTION 4.**

106 This Act shall become effective upon its approval by the Governor or upon its becoming law
107 without such approval and shall apply to asbestos claims that accrue on or after such date.

108 **SECTION 5.**

109 All laws and parts of laws in conflict with this Act are repealed.