

**B-Engrossed**  
**House Bill 3159**

Ordered by the Senate July 28  
Including House Amendments dated April 28 and Senate Amendments  
dated July 28

Sponsored by Representative ACKERMAN; Representatives BARNHART, BRUUN, FLORES, GARRARD, KRIEGER, KRUMMEL, MACPHERSON, SCHAUFLEER, SCOTT, THATCHER, Senators BEYER, MORSE, B STARR, C STARR, VERGER, WALKER (at the request of Associated General Contractors Oregon-Columbia Chapter)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Exempts certain licensed construction contractors from product liability civil actions brought for damages related to asbestos [*if contractor used or installed products containing asbestos pursuant to plans, specifications or directions prepared by or on behalf of owner of project*]. **Establishes conditions for exemption. Specifies exception.**

**A BILL FOR AN ACT**

1  
2 Relating to product liability civil actions; creating new provisions; and amending ORS 30.907.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 30.907 is amended to read:

5 30.907. (1) A product liability civil action for damages resulting from asbestos-related disease  
6 shall be commenced not later than two years after the date on which the plaintiff first discovered,  
7 or in the exercise of reasonable care should have discovered, the disease and the cause thereof.

8 **(2) A product liability civil action may not be brought against a contractor, as defined in**  
9 **ORS 701.005, for damages resulting from asbestos-related disease if the contractor:**

10 **(a) Used or installed products containing asbestos pursuant to plans, specifications or**  
11 **directions prepared for a project by or on behalf of the owner of the project;**

12 **(b) Is not the manufacturer or distributor of the products containing asbestos; and**

13 **(c) Did not furnish the products containing asbestos independent of the provision of la-**  
14 **bor.**

15 **(3) Subsection (2) of this section does not affect a plaintiff's ability to bring a product**  
16 **liability civil action against a contractor if:**

17 **(a) The contractor substituted a product containing asbestos on a project when the plans,**  
18 **specifications or directions for the project prepared by or on behalf of the owner did not**  
19 **specify the use or installation of a product containing asbestos; and**

20 **(b) The owner or the owner's representative did not expressly direct or consent to the**  
21 **substitution of the product containing asbestos.**

22 **SECTION 2. (1) Except as provided in subsection (2) of this section, the amendments to**  
23 **ORS 30.907 by section 1 of this 2005 Act apply to all causes of action for damages resulting**  
24 **from asbestos-related disease, whether the cause of action arises before, on or after the ef-**  
25 **fective date of this 2005 Act.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1           **(2) The amendments to ORS 30.907 by section 1 of this 2005 Act do not apply to any civil**  
2 **action commenced as described in ORS 12.020 before the effective date of this 2005 Act.**  
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