

Enrolled
House Bill 3159

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)

CHAPTER

AN ACT

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

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

SECTION 1. ORS 30.907 is amended to read:

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

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

- (a) **Used or installed products containing asbestos pursuant to plans, specifications or directions prepared for a project by or on behalf of the owner of the project;**
- (b) **Is not the manufacturer or distributor of the products containing asbestos; and**
- (c) **Did not furnish the products containing asbestos independent of the provision of labor.**

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

- (a) **The contractor substituted a product containing asbestos on a project when the plans, specifications or directions for the project prepared by or on behalf of the owner did not specify the use or installation of a product containing asbestos; and**
- (b) **The owner or the owner's representative did not expressly direct or consent to the substitution of the product containing asbestos.**

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

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

Passed by House May 5, 2005

Repassed by House August 2, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate July 30, 2005

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President of Senate

Received by Governor:

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Approved:

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Governor

Filed in Office of Secretary of State:

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Secretary of State