

A-Engrossed
Senate Bill 304

Ordered by the Senate April 26
Including Senate Amendments dated April 26

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senator Joan Dukes)

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.

Revives certain product liability civil actions for damages resulting from asbestos-related disease claims that *[are barred solely because statute of limitations for claims has expired]* **arose after January 1, 1940, and before January 1, 1987, and were barred by operation of statute of limitation on January 1, 1987.** Allows commencement of action for claim on or after effective date of Act and before January 1, 2008.

A BILL FOR AN ACT

1
2 Relating to asbestos.

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

4 **SECTION 1. (1) Notwithstanding any other provision of law, a product liability civil action**
5 **for damages resulting from asbestos-related disease described in subsection (2) of this sec-**
6 **tion is revived, and an action may be commenced for the claim on or after the effective date**
7 **of this 2005 Act and before January 1, 2008.**

8 **(2) The provisions of this section apply to a cause of action for damages resulting from**
9 **asbestos-related disease that arose after January 1, 1940, and before January 1, 1987, and**
10 **that was barred by operation of a statute of limitation on January 1, 1987.**

11 **(3) The provisions of subsection (1) of this section do not apply to a claim for which a**
12 **judgment was entered before the effective date of this 2005 Act and for which all appeals**
13 **were exhausted before the effective date of this 2005 Act, unless the judgment was entered**
14 **based on expiration of the statute of limitations applicable to the claim.**

15 **(4) The provisions of subsection (1) of this section do not apply to a claim for which a**
16 **written settlement between the plaintiff and the defendant was entered into before the ef-**
17 **fective date of this 2005 Act if the plaintiff was represented by an attorney admitted to the**
18 **practice of law in this state at the time the settlement was executed.**

19

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.