

STATEMENT OF PURPOSE

RS25216

This legislation amends Title 6, Idaho Code, by the addition of new Chapter 31, to establish procedures for a claimant in a civil action for damages due to asbestos exposure to disclose additional claims the claimant has filed with an asbestos trust. The Idaho Asbestos Bankruptcy Trust Claims Transparency Act establishes a method the courts in Idaho will use to determine whether a person filing a claim for an asbestos action has made a claim or recovered monies from any Asbestos Trust in the past. In order for the court to make this determination, the legislation would require the claimant to provide the court with information related to prior claims. Any action could be dismissed for noncompliance and a trial would not be set until at least 180 days after the requirements are met. The bill would allow the defendant to request a stay and a set time frame in which to provide information supporting additional trust claims made by the claimant, upon which the claimant would have ten days to respond. In this circumstance, a trial would not be permitted until at least 60 days after the plaintiff provides all the required information. The court would be required to enter into record a document that identifies every asbestos claim made by or on behalf of the plaintiff. Chapter 31 provides Definitions of terms in sections 6-1302; outlines Required Disclosures by Claimant in section 6-3103; requires identification of Additional or Alternative Trust claims by Defendants in 6-3104; sets Use of Materials in Discovery in Discovery in section 6-3105; requires a record of Valuation in Trust Claims and Judicial Notice in section 3-3106; and establishes Sanctions for a Failure to Provide Information in the case in section 6-3107. Section 6-3108 clarifies that this act is prospective, and applies to all asbestos cases filed on or after its effective date.

FISCAL NOTE

This legislation will have no fiscal impact to the General Fund, any dedicated funds, or local units of government. It has no fiscal impact because it only establishes new procedures by claimants for required disclosures in civil action for damages due to asbestos exposure, outlines the use of this material in case discovery preceding, and establishes sanctions for the failure to produce material.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).