

STATEMENT OF PURPOSE

RS25398

This legislation amends Title 6, Idaho Code, by the addition of a 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. Chapter 31 provides definitions of terms in section 6-1303; outlines required disclosures by claimant in section 6-3104; requires identification of additional or alternative trust claims by defendants in 6-3105; sets use of materials in discovery in section 6-3106; requires a record of valuation in trust claims and judicial notice in section 6-3107; establishes sanctions for a failure to provide information in the case in section 6-3108; provides presumptions of timing but gives the courts discretion in section 6-3109; provides for severability in section 6-3110; and clarifies that this act is prospective, and applies to all asbestos cases filed on or after its effective date in section 6-3111.

FISCAL NOTE

This legislation will have no fiscal impact to the General Fund or any dedicated funds. 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 proceedings, 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).