

HOUSE BILL No. 1012

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-20-3.

Synopsis: Product liability actions. Specifies causes of action that may constitute a product liability action. Repeals provisions pertaining to product liability actions that are based on: (1) property damage resulting from asbestos; and (2) personal injury, disability, disease, or death resulting from exposure to asbestos.

Effective: July 1, 2019.

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January 3, 2019, read first time and referred to Committee on Judiciary.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1012

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-20-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This section
3 applies to all persons regardless of minority or legal disability.
4 Notwithstanding IC 34-11-6-1, this section applies in any product
5 liability action in which the theory of liability is negligence or strict
6 liability in tort, **including any action for:**

7 **(1) personal injury;**

8 **(2) disability;**

9 **(3) disease; or**

10 **(4) death;**

11 **as a result of protracted exposure to a foreign substance that is**
12 **introduced into the body.**

13 (b) ~~Except as provided in section 2 of this chapter,~~ A product
14 liability action must be commenced:

15 (1) within two (2) years after the cause of action accrues; or

16 (2) within ten (10) years after the delivery of the product to the
17 initial user or consumer.



1 However, if the cause of action accrues at least eight (8) years but less
 2 than ten (10) years after that initial delivery, the action may be
 3 commenced at any time within two (2) years after the cause of action
 4 accrues.

5 SECTION 2. IC 34-20-3-2 IS REPEALED [EFFECTIVE JULY 1,
 6 2019]. Sec. 2: (a) A product liability action that is based on:

7 (1) property damage resulting from asbestos; or

8 (2) personal injury, disability, disease, or death resulting from
 9 exposure to asbestos;

10 must be commenced within two (2) years after the cause of action
 11 accrues. The subsequent development of an additional asbestos related
 12 disease or injury is a new injury and is a separate cause of action:

13 (b) A product liability action for personal injury, disability, disease,
 14 or death resulting from exposure to asbestos accrues on the date when
 15 the injured person knows that the person has an asbestos related
 16 disease or injury:

17 (c) A product liability action for property damage accrues on the
 18 date when the injured person knows that the property damage has
 19 resulted from asbestos:

20 (d) This section applies only to product liability actions against:

21 (1) persons who mined and sold commercial asbestos; and

22 (2) funds that have, as a result of bankruptcy proceedings or to
 23 avoid bankruptcy proceedings, been created for the payment of
 24 asbestos related disease claims or asbestos related property
 25 damage claims:

26 (e) For the purposes of IC 1-1-1-8, if any part of this section is held
 27 invalid, the entire section is void:

28 (f) Except for the cause of action expressly recognized in this
 29 section, this section does not otherwise modify the limitation of action
 30 or repose period contained in section 1 of this chapter:

