

1 Section 20. Effective date.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Asbestos
6 Claims Priorities Act.

7 Section 2. Findings and purposes.

8 (a) Findings.--The General Assembly finds that:

9 (1) Asbestos is a mineral that was widely used prior to
10 the 1980s for insulation, fireproofing and other purposes.

11 (2) Many American workers were exposed to asbestos,
12 especially during World War II.

13 (3) Exposure to asbestos has been causally associated
14 with mesothelioma and lung cancer, as well as such
15 nonmalignant conditions such as asbestosis, pleural plaques
16 and diffuse pleural thickening.

17 (4) The diseases caused by asbestos have latency periods
18 of up to 40 years or more.

19 (5) Although the use of asbestos has dramatically
20 declined since 1980 and workplace exposures have been
21 regulated since 1971 by the Occupational Safety and Health
22 Administration, past exposures may continue to result in the
23 occurrence of some asbestos-related diseases that may result
24 in death and disability.

25 (6) Some authorities have stated that as many as 27
26 million United States workers were exposed to asbestos from
27 1940 to 1979.

28 (7) The United States Supreme Court in *Amchem Prods.*
29 *Inc. v. Windsor*, 521 U.S. 591, 597 (1997), stated that this
30 country is in the midst of an "asbestos litigation crisis."

1 The crisis continues to worsen. The number of pending cases
2 nationwide doubled in the 1990s from 100,000 to more than
3 200,000 cases. In 2001 alone, plaintiffs filed at least
4 90,000 new claims nationwide. All told, the number of future
5 claimants could reach as high as 3.5 million.

6 (8) The vast majority of new asbestos claims are filed
7 by individuals who allege exposure to asbestos but have only
8 minimal or no physical evidence of exposure, and who suffer
9 no present asbestos-related impairment. In Amchem, United
10 States Supreme Court Justice Breyer observed that "up to one
11 half of asbestos claims are now filed by people who have
12 little or no physical impairment." That number may be
13 conservative. Recent reports indicate that as much as 90% of
14 new asbestos-related claims are filed by plaintiffs with no
15 impairment.

16 (9) Concerns about statutes of limitations can force
17 claimants who have been exposed to asbestos but who have no
18 current injury to bring premature lawsuits in order to
19 protect against losing their rights to future compensation
20 should they become impaired.

21 (10) Medical x-ray screenings of workers at occupational
22 locations are used to amass large numbers of claimants.
23 Frequently, a complaint is filed on behalf of anyone who
24 shows any evidence of asbestos exposure, even though most
25 claimants are functionally asymptomatic when suit is filed.

26 (11) These screenings and mass filings have contributed
27 to the bankruptcy of approximately 70 companies, including
28 nearly all manufacturers of asbestos textile and insulation
29 products. The rate of asbestos-driven bankruptcies is
30 accelerating. Over 23 companies declared bankruptcy between

1 January 1, 2000, and December 31, 2002.

2 (12) Bankruptcies resulting from asbestos litigation
3 have led plaintiffs and their lawyers to expand their search
4 for new solvent defendants, including many defendants with
5 only an attenuated connection to asbestos. The number of
6 asbestos defendants now includes more than 8,400 companies,
7 touching firms in industries that span 85% of the United
8 States economy. Some of these defendants are large companies,
9 but others are firms with as few as 20 employees and just a
10 few million dollars in annual revenues.

11 (13) The cost of compensating exposed individuals who
12 are not sick, and legal costs spent on their claims,
13 jeopardizes recoveries by people with cancer or other serious
14 asbestos-related injuries; threaten the savings, retirement
15 benefits and jobs of current and retired employees of the
16 defendants; and adversely affect the communities in which the
17 defendants operate.

18 (14) Several jurisdictions have adopted "inactive
19 dockets" or "pleural registries" or "deferred dockets" or
20 issued case management orders to control the unlimited filing
21 of claims by persons who are not impaired. Other courts have
22 decided that only sick claimants are entitled to
23 compensation.

24 (15) Sound public policy requires deferring the claims
25 of exposed individuals who are not impaired in order to give
26 priority to those cases that involve claims of actual and
27 current conditions of impairment, preserve compensation for
28 people with cancer and other serious injuries related to
29 exposure to asbestos and safeguard the jobs, benefits and
30 savings of workers.

1 (b) Purposes.--It is the purpose of this act to:

2 (1) Give priority to asbestos claimants who can
3 demonstrate actual physical harm or illness caused by
4 asbestos.

5 (2) Preserve the rights of claimants who were exposed to
6 asbestos to pursue compensation should they become sick in
7 the future.

8 (3) Enhance the ability of the courts to supervise and
9 control asbestos litigation.

10 (4) Conserve resources to allow compensation of current
11 cancer victims and others who are physically harmed by
12 exposure to asbestos while securing the right to similar
13 compensation for those who may suffer physical harm in the
14 future.

15 Section 3. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Board-certified internist." A physician licensed to
20 practice medicine in this Commonwealth and who is currently
21 certified by the American Board of Internal Medicine.

22 "Board-certified oncologist." A physician licensed to
23 practice medicine in this Commonwealth and who is currently
24 certified in the Subspecialty of Medical Oncology by the
25 American Board of Internal Medicine.

26 "Board-certified pathologist." A physician licensed to
27 practice medicine in this Commonwealth and who holds primary
28 certification in anatomic pathology or combined anatomic or
29 clinical pathology from the American Board of Pathology, and
30 whose professional practice is principally in the field of

1 pathology and involves regular evaluation of pathology materials
2 obtained from surgical or postmortem specimens.

3 "Board-certified pulmonologist." A physician licensed to
4 practice medicine in this Commonwealth and who is currently
5 certified by the American Board of Internal Medicine in the
6 Subspecialty of Pulmonary Medicine.

7 "Certified B-reader." A person who has successfully
8 completed the x-ray interpretation course sponsored by the
9 National Institute for Occupational Safety and Health and whose
10 certification was current at the time of any readings required
11 by this act.

12 "Chest x-rays." Films taken in four views, PA, lateral, left
13 oblique and right oblique, and graded quality 1 for reading in
14 accordance with the radiological standards established by the
15 International Labor Office, as interpreted by a certified B-
16 reader.

17 "Claim." Any claim for damages or other relief arising out
18 of, based on or related to actual or potential health effects of
19 exposure to asbestos, including emotional distress and fear of
20 future injury claims, and any derivative claim made by or on
21 behalf of any exposed person or any representative, spouse,
22 parent, child or other relative of any exposed person.

23 "Claimant." A party seeking recovery of damages for a claim,
24 including a plaintiff, counterclaimant, crossclaimant or third-
25 party plaintiff. If a claim is brought through or on behalf of
26 an estate, the term includes the claimant's decedent. If a claim
27 is brought through or on behalf of a minor or incompetent, the
28 term includes the claimant's parent or guardian.

29 "FEV-1." Forced expiratory volume in the first second, which
30 is the maximal volume of air expelled in one second during

1 performance of simple spirometric tests.

2 "FVC." Forced vital capacity, which is the maximum volume of
3 air expelled with maximum effort from a position of full
4 inspiration.

5 "ILO system." The radiological ratings of the International
6 Labor Office set forth in Guidelines for the Use of ILO
7 International Classification of Radiographs of Pneumoconioses
8 (1980).

9 "Index person." A person who is alleged by the claimant to
10 have exposed the claimant to asbestos.

11 "Lower limit of normal." The fifth percentile of healthy
12 populations based on age, height and gender, as referenced in
13 the American Medical Associations Guides to the Evaluation of
14 Permanent Impairment.

15 "Minimum criteria for activation."

16 (1) That a board-certified oncologist has made a
17 diagnosis of pleural or peritoneal mesothelioma or a
18 diagnosis of cancer demonstrated by a medical report showing
19 the diagnosis as a primary cancer, and has signed a report
20 certifying to a reasonable degree of medical certainty that
21 the diagnosed cancer materially was caused by exposure to
22 asbestos fibers.

23 (2) That a board-certified internist, pathologist or
24 pulmonologist has signed a detailed narrative medical report
25 and diagnosis stating that the claimant suffers from a
26 nonmalignant disease related to asbestos, and that:

27 (i) Verifies that the doctor or a medical
28 professional employed by and under the direct supervision
29 and control of the diagnosing doctor has taken:

30 (A) A detailed occupational and exposure history

1 from the person whose alleged injury forms the basis
2 for the action or, if that person is deceased, from
3 the person most knowledgeable about the exposures
4 that form the basis for the action. The history shall
5 include all of the principal employments and
6 exposures of the claimant involving exposures to
7 airborne contaminants. It should indicate whether
8 each employment involved exposure to airborne
9 contaminants including asbestos fibers, silica and
10 other disease-causing dusts that can cause pulmonary
11 impairment and the nature, duration and level of any
12 such exposure.

13 (B) A detailed medical and smoking history that
14 includes a thorough review of the claimant's past and
15 present medical problems and their most probable
16 cause.

17 (ii) Sets out the details of the occupational,
18 medical and smoking history and verifies that at least 15
19 years have elapsed between the claimant's first exposure
20 to asbestos and the time of diagnosis.

21 (iii) Verifies that the claimant has:

22 (A) A quality 1 chest x-ray taken in accordance
23 with all applicable Federal and State regulatory
24 standards. In a death case where no pathology is
25 available, the necessary radiologic findings may be
26 made with a quality 2 film if a quality 1 film is not
27 available, and the x-ray has been read by a certified
28 B-reader according to the ILO system of
29 classification as showing bilateral small irregular
30 opacities (s,t or u) graded 1/0 or higher or

1 bilateral diffuse pleural thickening graded b2 or
2 higher including blunting of the costophrenic angle.

3 (B) Pathological asbestosis graded 1(B) or
4 higher under the criteria published in Asbestos-
5 Associated Diseases, Special Issue of the Archives of
6 Pathological and Laboratory Medicine, Volume 106,
7 Number 11, Appendix 3 (October 8, 1982).

8 (iv) Verifies that the claimant has pulmonary
9 impairment related to asbestos as demonstrated by
10 pulmonary function testing, performed using equipment,
11 methods of calibration and technique that meet the
12 criteria incorporated in the American Medical Association
13 Guides to the Evaluation of Permanent Impairment (5th
14 Ed.) and reported as set forth in 20 CFR 404, Subpt. P,
15 App 1, Part (A)§3.00 (E) and (F) and the interpretative
16 standards set forth in the official statement of the
17 American Thoracic Society entitled "Lung Function
18 Testing: Selection of Reference Values and Interpretative
19 Strategies," as published in American Review Respiratory
20 Disease 1991:144:1202-1218 that shows:

21 (A) Forced Vital Capacity below the lower limit
22 of normal and FEV1/FVC ratio, using actual values at
23 or above the lower limit of normal; or

24 (B) Total Lung Capacity, by plethysmography or
25 timed gas dilution, below the lower limit of normal.

26 (v) Verifies that the doctor has concluded that the
27 claimant's medical findings and impairment were not more
28 probably the result of other causes revealed by
29 claimant's employment and medical history. Copies of the
30 B-reading, the pulmonary function tests, including

1 printouts of the flow volume loops and all other elements
2 required to demonstrate compliance with the equipment,
3 quality, interpretation and reporting standards set forth
4 in the definition and the diagnosing physician's detailed
5 narrative medical report and diagnosis shall be attached
6 to any complaint alleging nonmalignant disease related to
7 exposure to asbestos. All such reports must meet
8 objective criteria for generally accepted medical
9 standards related to exposure to asbestos fibers. Failure
10 to attach the required reports or demonstration by any
11 party that the reports do not satisfy the standards set
12 forth herein shall result in the dismissal of the action
13 without prejudice upon motion of any party.

14 "Total lung capacity." Total lung capacity.

15 Section 4. Inactive docket established.

16 An inactive docket shall be established as a repository for
17 certain asbestos claims that shall be deferred until such time,
18 if ever, that a claimant satisfies the minimum criteria for
19 activation and other conditions set forth in this act. The
20 inactive docket shall be managed under the direction and
21 supervision of the Administrative Office of Pennsylvania Courts.
22 Administration and other costs relating to the inactive docket
23 shall be paid out of general filing fees as determined by the
24 Administrative Office of Pennsylvania Courts.

25 Section 5. Statutes of limitations tolled.

26 The placement of any case on the inactive docket shall toll
27 all applicable statutes of limitations to the extent of the
28 claims related to asbestos alleged up to the date the complaint
29 was filed, and as to any defendant named up to that time.

30 Section 6. Placement on the inactive docket.

1 (a) Transfer to inactive docket.--Any asbestos claim pending
2 in this Commonwealth on the effective date of this section shall
3 be transferred to the inactive docket, unless:

4 (1) all parties stipulate that the claimant satisfies
5 the minimum criteria for activation set forth in this act
6 within six months of the effective date of this section; or

7 (2) the trial court in which the complaint was initially
8 filed issues an order providing for the case to remain on the
9 active docket, to be set for trial. Such orders shall be
10 issued only if the following conditions and procedures are
11 met:

12 (i) The plaintiff moves for leave to amend the
13 complaint within six months of the effective date of this
14 section so as to allege with specificity that the
15 claimant satisfies the minimum criteria for activation
16 set forth in this act.

17 (ii) The plaintiff's motion and the requisite
18 supporting medical documentation shall be filed with the
19 trial court and served on each defendant named in the
20 complaint or on counsel designated by each defendant
21 filed with the court.

22 (iii) Within 30 days of service of plaintiff's
23 motion, any defendant may file an opposition with the
24 trial court stating the reasons for the objection.
25 Defendant's written objections shall not exceed three
26 pages per claim without leave of court. Defendant's
27 opposition shall be filed with the court and served on
28 plaintiff's counsel and each defendant.

29 (iv) If the defendant does not file an opposition
30 within the time permitted, the court shall decide

1 plaintiff's motion in a timely manner based on the papers
2 and documentation submitted to the court.

3 (v) If the defendant files an objection, then within
4 ten days of service of defendant's opposition, the
5 plaintiff may file a reply with the trial court. The
6 reply must be served on each defendant.

7 (vi) The trial court shall decide any disagreements
8 between the parties in a timely manner based on the
9 papers and documentation submitted to the court. A
10 hearing will be conducted only if the court so orders on
11 its own motion, or if, in the exercise of discretion, the
12 court grants a party's request for a hearing. No
13 testimony shall be taken at the hearing. A decision of
14 the trial court not to grant a request for a hearing may
15 not be appealed and does not constitute reversible error.

16 (b) Automatic placement.--Any asbestos claim filed in this
17 Commonwealth on or after the effective date of this act shall be
18 placed directly on the inactive docket, unless the trial court
19 issues an order providing for the case to be placed on the
20 active docket and to be set for trial. Such orders shall be
21 issued only if the following conditions and procedures have been
22 met:

23 (1) The plaintiff's complaint alleges with specificity
24 that the claimant satisfies the minimum criteria for
25 activation set forth in this act.

26 (2) Within 30 days of service the plaintiff's complaint,
27 any defendant may file an opposition with the trial court
28 stating the reasons for the objection. Defendant's written
29 objections shall not exceed three pages per claim without
30 leave of court. Defendant's opposition shall be filed with

1 the court and served on plaintiff's counsel and each
2 defendant.

3 (3) If the defendant does not file an opposition within
4 the time permitted, the court shall decide whether to place
5 the case on the active docket based on the papers and
6 documentation submitted to the court. The trial court's
7 decision shall be made in a timely manner.

8 (4) If the defendant files an objection, then within ten
9 days of service of defendant's opposition, the plaintiff may
10 file a reply with the trial court. The reply must be served
11 on each defendant.

12 (5) The trial court shall decide any disagreements
13 between the parties in a timely manner based on the papers
14 and documentation submitted to the court. A hearing will be
15 conducted only if the court so orders on its own motion, or
16 if, in the exercise of discretion, the court grants a party's
17 request for a hearing. No testimony shall be taken at the
18 hearing. A decision of the trial court not to grant a request
19 for a hearing may not be appealed and does not constitute
20 reversible error.

21 (c) Transfer to active docket.--If the court orders an
22 asbestos claim removed from the inactive docket and placed on
23 the active docket pursuant to subsection (b), the Administrative
24 Office of Pennsylvania Courts shall transfer the claim,
25 accompanied by the supporting documentation, to the trial court
26 in which the complaint was initially filed.

27 Section 7. General rules applicable to new filings.

28 (a) Information form.--All asbestos complaints filed in this
29 Commonwealth on or after the effective date of this section
30 shall include a sworn information form containing the following

1 information:

2 (1) The claimant's name, address, date of birth, social
3 security number and marital status.

4 (2) If the claimant alleges exposure to asbestos by
5 means of another person or other than by direct or bystander
6 exposure to a product, the name, address, date of birth,
7 social security number, marital status, for each person by
8 which claimant alleges exposure and the claimant's
9 relationship to each person;

10 (3) the specific location of each alleged exposure;

11 (4) the beginning and ending dates of each alleged
12 exposure as to each asbestos product for each location at
13 which exposure allegedly took place for plaintiff and for
14 each index person;

15 (5) the occupation and name of employer of the exposed
16 person at the time of each alleged exposure;

17 (6) the specific condition related to asbestos claimed
18 to exist; and

19 (7) any supporting documentation of the condition
20 claimed to exist.

21 (b) Filing.--All asbestos complaints and sworn information
22 forms must be individually filed. No claims on behalf of a group
23 or class of persons shall be permitted.

24 (c) Fee.--No filing fee shall be paid for cases placed on
25 the inactive docket. A filing fee shall be required for any case
26 placed directly on the active docket, or at the time the case is
27 removed to the active docket, unless a filing fee has already
28 been paid in the case.

29 Section 8. Removal to active docket.

30 An asbestos claim on the inactive docket may be removed to

1 the active docket at any time after the effective date of this
2 section if:

3 (1) all parties stipulate that the claimant satisfies
4 the minimum criteria for activation set forth in this act; or

5 (2) the trial court in which the complaint was initially
6 filed issues an order providing for the case to be removed to
7 the active docket. Removal orders may be issued only if the
8 following conditions and procedures have been met:

9 (i) The plaintiff files a removal petition and
10 motion for leave to amend the complaint so as to allege
11 with specificity that the claimant satisfies the minimum
12 criteria for activation set forth in this act.

13 (ii) Plaintiff's petition and motion for leave to
14 amend the complaint, along with the requisite supporting
15 medical documentation, shall be filed with the trial
16 court and served on each defendant named in the complaint
17 or on counsel designated by each defendant filed with the
18 court.

19 (iii) Within 21 days of service of plaintiff's
20 petition and motion, any defendant may file an opposition
21 with the trial court stating the reasons for the
22 objection. Defendant's written objections shall not
23 exceed three pages per claim without leave of court.
24 Defendant's opposition shall be filed with the court, and
25 served on plaintiff's counsel and each defendant.

26 (iv) If the defendant does not file an opposition
27 within the time permitted, the trial court shall decide
28 plaintiff's petition and motion in a timely manner based
29 on the papers and documentation submitted to the court.

30 (v) If the defendant files an objection, then within

1 ten days of service of defendant's opposition, the
2 plaintiff may file a reply with the trial court. The
3 reply must be served on each defendant.

4 (vi) The court shall decide any disagreements
5 between the parties in a timely manner based on the
6 papers and documentation submitted to the court in a
7 timely manner. A hearing will be conducted only if the
8 court so orders on its own motion, or if, in the exercise
9 of discretion, the court grants a party's request for a
10 hearing. No testimony shall be taken at the hearing. A
11 decision of the trial court not to grant a party's
12 request for a hearing may not be appealed and does not
13 constitute reversible error.

14 Section 9. Administration.

15 (a) Implementation.--The Administrative Office of
16 Pennsylvania Courts shall implement the inactive docket required
17 by this act within 90 days of the effective date of this
18 section.

19 (b) Claims.--Claims on the inactive docket shall not be
20 subject to discovery, except that discovery of a plaintiff on
21 the inactive docket may proceed upon petition by plaintiff's
22 counsel. Such petition shall be filed with the clerk of court
23 and served on all counsel for defendants named in the complaint.
24 The petition shall include:

25 (1) A written statement by a treating physician that
26 such plaintiff is not expected to survive more than 60 days.

27 (2) Copies of all available medical records.

28 (3) A statement of the proffered dates and location for
29 discovery and de bene esse video deposition of plaintiff.

30 (c) Admissibility.--The existence of the inactive docket, or

1 the fact that a claim is or is not on an inactive docket shall
2 not be admissible in any proceeding for any purpose, except for
3 a proceeding concerned with the placement of the claim on the
4 active docket.

5 (d) Medical criteria.--The medical criteria established by
6 this act for placement of a claim on the active docket are
7 established solely for the purpose of determining when a claim
8 may be placed on the active docket. The fact that a claimant
9 satisfies the medical criteria for placement on the active
10 docket shall not be construed as an admission or determination
11 that the claimant in fact has a condition related to exposure to
12 asbestos fibers. The criteria used to determine whether a claim
13 should be transferred to or placed on the active docket shall
14 not be cited, referred to or otherwise used at trial.

15 (e) Expert report.--An expert report submitted for the
16 purpose of determining whether a claim should remain on or be
17 removed to the active docket is inadmissible for any other
18 purpose.

19 (f) Admission.--Placement of a claim on an inactive docket
20 shall not be construed as an admission by a claimant or person
21 allegedly exposed to asbestos fibers that the claimant or person
22 has not developed a condition related to exposure to asbestos
23 fibers.

24 (g) Objection.--The filing of any defendant objecting to
25 placement of a claim on the active docket, or the defendant's
26 appearance at a hearing ordered by a trial court in connection
27 with a claim remaining on or being removed to the active docket
28 shall not be deemed an appearance for purposes of establishing
29 the court's jurisdiction over the defendant.

30 Section 10. Forum non conveniens.

1 (a) Residency.--No asbestos claim may be filed in this
2 Commonwealth after the effective date of this section unless the
3 plaintiff was a resident of this Commonwealth at the time the
4 claim arose or the plaintiff's claim arose in this Commonwealth.

5 (b) Dismissal.--The trial court, on motion of a defendant,
6 shall dismiss each claim against the defendant that is subject
7 to this section and was commenced after the effective date of
8 this section unless the plaintiff files a written statement with
9 the court electing to abate the plaintiff's claim against the
10 defendant for a period of 180 days from the date the court
11 disposes of the defendant's motion, to afford the plaintiff an
12 opportunity to file a new action on the claims in another state.

13 (c) Filing.--A court may not abate or dismiss a claim under
14 this paragraph until the defendant files with the court or with
15 the clerk of the court a written stipulation that, with respect
16 to a new action on the claim commenced by the plaintiff, the
17 defendant waives the right to assert a statute of limitations
18 defense in all other states of the United States in which the
19 claim was not barred by limitations at the time the claim was
20 filed in this Commonwealth as necessary to effect a tolling of
21 the limitations periods in those states beginning on the date
22 the claim was filed in this Commonwealth and ending on the date
23 the claim is dismissed or the period of abatement ends. The
24 court may not abate or dismiss a claim under this subsection
25 until the defendant files with the court or with the clerk of
26 the court a written stipulation that, with respect to a new
27 action on the claim commenced by the plaintiff in another state
28 of the United States, the plaintiff may elect that the plaintiff
29 and the defendant may rely on responses to discovery already
30 provided under the Pennsylvania Rules of Civil Procedure, plus

1 any additional discovery that may be conducted under the rules
2 of civil procedure in another state, or use responses to
3 discovery already provided and conduct additional discovery as
4 permitted under the rules of civil procedure in the other state.

5 (d) Consideration.--To comply with this section in relation
6 to an action that involves both claims that arose in this
7 Commonwealth and claims that arose outside this Commonwealth, a
8 court shall consider each claim individually and shall sever
9 from the action the claims that are subject to this subsection.

10 (e) Determination.--A court shall determine that a claim
11 arose in the jurisdiction in which the plaintiff was located at
12 the time the plaintiff is alleged to have been exposed to
13 asbestos fibers. If a plaintiff alleges that the plaintiff was
14 exposed to asbestos fibers while located in more than one
15 jurisdiction, the court shall determine, for purposes of this
16 section, which of the jurisdictions is the most appropriate
17 forum for the claim, considering the relative amounts and
18 lengths of the plaintiff's exposure to asbestos fibers in each
19 jurisdiction.

20 Section 11. Venue.

21 An asbestos claim that meets the requirements of this act
22 permitting a claim to be filed in this Commonwealth may only be
23 filed in the county where the plaintiff resides or was exposed
24 to asbestos and that exposure was a substantial contributing
25 factor to the physical impairment on which plaintiff's claim is
26 based. If a plaintiff alleges exposure to asbestos fibers while
27 located in more than one county, the trial court shall determine
28 which of the counties is the most appropriate forum for the
29 claim, considering the relative amounts and lengths of the
30 plaintiff's exposure to asbestos fibers in each of the counties.

1 Section 12. Joinder and consolidation.

2 A court may consolidate for trial any number and type of
3 asbestos claims with the consent of all of the parties. In the
4 absence of such consent, the court may consolidate for trial
5 only asbestos claims relating to the same exposed person and
6 members of his or her household.

7 Section 13. Severability.

8 The provisions of this act are severable. If any provision of
9 this act or its application to any person or circumstance is
10 held invalid, the invalidity shall not affect other provisions
11 or applications of this act which can be given effect without
12 the invalid provision or application.

13 Section 14. Applicability.

14 This act applies to any claim for damages or other relief
15 arising out of, based on or related to actual or potential
16 health effects of exposure to asbestos, including emotional
17 distress and fear of future injury claims and any derivative
18 claim made by or on behalf of any exposed person or any
19 representative, spouse, parent, child or other relative of any
20 exposed person.

21 Section 15. Applicability of claims.

22 The act shall apply to all claims filed on or after the
23 effective date of the section and to all pending claims in which
24 a trial has not commenced on or before the effective date of
25 this section.

26 Section 20. Effective date.

27 This act shall take effect in 60 days.