

## Session 116 - (2005-2006)

**H 4680 General Bill, By White, Barfield, Cato, Ceips, Chalk, Chellis, Cooper, Davenport, Hardwick, Herbkersman, Leach, Martin, Moody-Lawrence, Owens, Pinson, Sandifer, Townsend, Umphlett, Viers and Whitmire**  
***Similar (S 1038)***

**Summary:** Asbestos and Silica Victims Protection Act of 2006

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 80, TITLE 15 SO AS TO ENACT THE "ASBESTOS AND SILICA VICTIMS PROTECTION ACT OF 2006" SO AS TO DEFINE KEY TERMS IN THE ACT, TO DEFINE THE ELEMENTS OF A PRIMA FACIE SHOWING REQUIRED TO FILE A CIVIL ACTION BASED ON AN ASBESTOS OR SILICA CLAIM, TO PROVIDE PARAMETERS FOR WHEN AN ASBESTOS OR SILICA CLAIM MAY BE BROUGHT IN THIS STATE AND TO DELINEATE THE INFORMATION THAT MUST BE PROVIDED IN THE CLAIM, TO PROVIDE THAT THE LIMITATIONS PERIOD ON A CLAIM DOES NOT BEGIN TO RUN UNTIL THE EXPOSED PERSON DISCOVERS THAT HE IS PHYSICALLY IMPAIRED BY AN ASBESTOS-RELATED OR SILICA-RELATED CONDITION, TO PROVIDE THAT A PRODUCT SELLER OTHER THAN A MANUFACTURER IS LIABLE TO A PLAINTIFF IN A CIVIL ACTION ONLY IF THE PLAINTIFF ESTABLISHES CERTAIN ELEMENTS RELATED TO REASONABLE CARE AND PROXIMATE CAUSE, AND TO PROVIDE FOR SPECIFIC EXCEPTIONS TO THE LIMITATIONS ON CIVIL ACTIONS FOR ASBESTOS AND SILICA CLAIMS.

**02/16/06 House Introduced and read first time HJ-38**

**02/16/06 House Referred to Committee on Judiciary HJ-39**