



# NORTH DAKOTA HOUSE OF REPRESENTATIVES

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## Representative Kim Koppelman

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Speaker of the House

## HB 1207 Testimony

Few areas have led to greater civil litigation than claims involving asbestos. While we all believe that those with legitimate injuries should be able to make claims for relief in our courts with actions against those who cause injury, we in North Dakota, like many other states, have taken steps, by passing tort reform legislation, to ensure that such claims are legitimate and not overreaching, thus ensuring fairness and common sense in the arena of civil litigation.

HB 1207 will build upon these good laws which we've already enacted in North Dakota.

**HB 1207 addresses the following four important asbestos topics:**

### 1. Over-naming

A plaintiff must provide a good faith basis for "each claim" against "each defendant" prior to filing an asbestos lawsuit. Asbestos plaintiffs/plaintiffs' lawyers often "over-name" defendants, leading to unnecessary defense expenses and burdens on the court system.

### 2. Medical Criteria

A plaintiff must actually be sick in order to sue.

### 3. Unfair Consolidation

In the absence of consent from all parties, a court may consolidate for trial only asbestos actions relating to the exposed individual and members of that individual's household.

### 4. Bare-Metal Defense

A manufacturer who delivers a product "bare metal" – that is without the insulation or other asbestos containing material – is not liable for injuries caused by asbestos in later-added materials.

Mr. Mark Behrens will walk the Committee through the details of the bill