

1 SB246
2 88126-2
3 By Senator Sanders
4 RFD: Judiciary
5 First Read: 22-MAR-11

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8 SYNOPSIS: Under existing law, certain cause of actions
9 for injuries must be commenced within certain
10 periods prescribed by statute or the claimant is
11 barred by the statute of limitations.

12 This bill would provide that a civil action
13 for exposure to toxic substances shall be deemed to
14 accrue from the date the injured party should have
15 reason to discover the injury giving rise to the
16 civil action.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To amend Section 6-2-30, Code of Alabama 1975,
23 relating to the statute of limitations in certain civil
24 actions, to provide that a civil action for exposure to toxic
25 substances shall be deemed to accrue from the date the injured
26 party should have reason to discover the injury giving rise to
27 the civil action and to provide for retroactive effect.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 6-2-30, Code of Alabama 1975, is
3 amended to read as follows:

4 "§6-2-30.

5 "(a) All civil actions must be commenced after the
6 cause of action has accrued within the period prescribed in
7 this article and not afterwards, unless otherwise specifically
8 provided for in this code.

9 "(b) A civil action for any injury to the person,
10 property, or rights of another, including, without limitation,
11 those resulting from exposure to asbestos, including
12 asbestos-containing products, any toxic substance shall be
13 deemed to accrue on the first date the injured party, through
14 reasonable diligence, should have reason to discover the
15 injury giving rise to such civil action. This subsection shall
16 not apply to or affect in any way, actions referred to in
17 Section 6-5-482. As used herein, the term toxic substance
18 shall refer to any physical substance or material exposure to
19 which is toxic or hazardous to human life or well-being or
20 which causes any disease process, including, without
21 limitation, all hazardous substances, hazardous wastes,
22 hazardous materials, and toxic substances as defined by
23 federal law.

24 "(c) A person may have more than one cause of action
25 arising out of a single course of conduct which exposes the
26 person or property to a toxic substance and each such cause of
27 action shall be deemed to accrue separately. The prosecution

1 of any cause of action arising out of exposure to a toxic
2 substance shall not be deemed to bar any subsequent cause of
3 action arising out of exposure to the same or another toxic
4 substance which accrues thereafter. This subsection shall not
5 apply to or affect in any manner actions referred to in
6 Section 6-5-482.

7 "(d) Subsections (b) and (c) shall have retroactive
8 effect and shall revive any cause of action which arose out of
9 exposure to any toxic substance, which cause of action could
10 not have been, through reasonable diligence, discovered by the
11 injured person until some period of time after the cause of
12 action was already time-barred under this section prior to the
13 effective date of this subsection. Any cause of action revived
14 by this subsection may be brought within two years after the
15 later of the date specified in subsection (b) or the effective
16 date of this subsection. This subsection shall not apply to or
17 affect in any way actions referred to in Section 6-5-482."

18 Section 2. This act shall be known and may be cited
19 as the Jack Cline Act.

20 Section 3. The provisions of this act are severable.
21 If any part of this act is declared invalid or
22 unconstitutional, that declaration shall not affect the part
23 which remains.

24 Section 4. This act shall become effective
25 immediately following its passage and approval by the
26 Governor, or its otherwise becoming law and shall be operative

1 upon the ratification of an amendment to the Constitution of
2 Alabama of 1901, authorizing its provisions.