

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6171

BILL NUMBER: SB 310

NOTE PREPARED: Nov 16, 2012

BILL AMENDED:

SUBJECT: Actions Based on Exposure to Hazardous Substances.

FIRST AUTHOR: Sen. Broden

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides statutes of limitations for causes of action for occupational disease; deficiencies in the design, planning, supervision, construction, or observation of construction of an improvement to real property; and product liability when the cause of action is based on an exposure to a hazardous substance.

The bill provides for a one-year period, ending July 1, 2014, to file an otherwise time-barred cause of action based on an exposure to a hazardous substance.

Effective Date: July 1, 2013.

Explanation of State Expenditures: The impact to the state under the bill would be as an employer in as much as the bill extends the time limitation for filing a Worker's Compensation claim or filing a cause of action from the date of last exposure to the hazardous substance to the date on which the employee had knowledge of the disease. In addition, the bill allows employees who were previously unable to file a Worker's Compensation claim or file a cause of action for occupational disease caused by exposure to a hazardous substance due to time limitations the ability to refile the claim through July 1, 2014.

State expenditures for Worker's Compensation benefits for FY 2012 were \$2.2 M.

Definitions: *Hazardous Substance:* According to IC-34-6-2-52, a hazardous substance is any material or waste that has been deemed hazardous or potentially hazardous to any individual, property, or the environment by either the U.S. Environmental Protection Agency, the Nuclear Regulatory Commission, the U.S. Department

of Transportation, a local solid waste management board, and/or the U.S. Occupational Safety and Healthy Agency.

Explanation of State Revenues:

Explanation of Local Expenditures: The impact to local units of government under the bill would be as an employer.

Explanation of Local Revenues:

State Agencies Affected: All.

Local Agencies Affected: All.

Information Sources: Auditor's reports.

Fiscal Analyst: Stephanie Wells, 232-9866.