

60-4907. Same; burden of proof. (a) In any civil action under this act, and amendments thereto, alleging an asbestos or silica claim, the party with the burden of establishing the claim or affirmative defense must show that the alleged exposure attributable to a given person or party was a substantial factor in causing the injury, loss or damages.

(b) In determining whether any given claimed or alleged exposure was a substantial factor in causing the plaintiff's injury, loss or damages, the court shall consider, without limitation, all of the following:

- (1) The manner in which the plaintiff was exposed.
- (2) The proximity to the plaintiff when the exposure occurred.
- (3) The frequency and length of the plaintiff's exposure;
- (4) any factors that mitigated or enhanced the plaintiff's exposure.

History: L. 2006, ch. 196, § 7; July 1.