

FIRST REGULAR SESSION

HOUSE BILL NO. 208

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ICET (Sponsor), BYRD AND JETTON (Co-sponsors).

Read 1st time January 12, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0899L.011

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil actions for damages.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be
2 known as section 537.530, to read as follows:

**537.530. 1. In any action for damages in excess of three thousand dollars against
2 an individual or entity licensed to practice a profession by this state, or any agency or court
3 thereof, on account of the rendering of or failure to render professional services, the
4 plaintiff or his or her attorney shall file an affidavit with the court stating that he or she
5 has obtained the written opinion of a similarly licensed professional which states that the
6 defendant failed to use such care as a reasonably prudent and careful professional would
7 have under similar circumstances and that such failure to use such reasonable care directly
8 caused or directly contributed to cause the damages claimed in the petition.**

9 **2. The affidavit shall state the name, address, and qualifications of all similarly
10 licensed professionals offering such opinion.**

11 **3. A separate affidavit shall be filed for each defendant named in the petition.**

12 **4. Such affidavit shall be filed no later than ninety days after the filing of the
13 petition unless the court, for good cause shown, orders that such time be extended for a
14 period of time not to exceed an additional ninety days.**

15 **5. If the plaintiff or his or her attorney fails to file such affidavit the court shall,
16 upon motion of any party, dismiss the action against such moving party without prejudice.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **6. "License" for purposes of this section shall not include a license to operate a**
18 **vehicle.**

19 **7. "Similarly licensed professional" for purposes of this section shall mean an**
20 **individual licensed in this state, or any other state, who possesses the education, training,**
21 **and experience to be licensed in the same or substantially the same profession as the**
22 **defendant.**