

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0899-05
Bill No.: HCS for HB 208
Subject: Courts; Professional Licenses
Type: Original
Date: March 4, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Economic Development** assume the proposal would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of the Attorney General (AGO)** assume the proposal will have no impact because it would not affect any disciplinary actions taken on behalf of the professional boards. To the extent the AGO seeks civil penalties against a licensee, the AGO assumes those penalties are distinguishable from monetary damages.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Local Government

FY 2006
(10 Mo.)

FY 2007

FY 2008

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

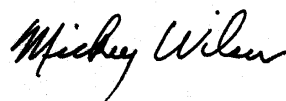
DESCRIPTION

The proposed legislation would require a plaintiff, in an original action for damages in excess of \$3,000 against an individual or entity licensed by the state to practice a profession, to file an affidavit with the court stating that the plaintiff obtained the written opinion of a similarly licensed professional that the defendant failed to use the care a reasonably prudent and careful professional would have under similar circumstances. The affidavit would be filed within 90 days of the filing of the first responsive pleading, unless an extension not to exceed an additional 90 days is granted. The case would be dismissed if the plaintiff or the plaintiff's attorney would fail to file the affidavit.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General
Office of State Courts Administrator
Department of Economic Development



L.R. No. 0899-05
Bill No. HCS for HB 208
Page 4 of 4
March 4, 2005

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Director
March 4, 2005