

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 208
93RD GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 28, 2005, with recommendation that the Senate Committee Substitute do pass.

0899S.06C

TERRY L. SPIELER, Secretary.

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,
2 to be known as section 537.530, to read as follows:

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

11 **2. The affidavit shall state the name, address, and qualifications of all
12 legally qualified professionals offering such opinion.**

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

15 **4. Such affidavit shall be filed no later than ninety days after the filing
16 of the first responsive pleading unless the court, for good cause shown, orders
17 that such time be extended for a period of time not to exceed an additional
18 ninety days.**

19 **5. If the plaintiff or his or her attorney fails to file such affidavit the**

20 court shall, upon motion of any party, dismiss the action against such moving
21 party without prejudice.

22 6. "Legally qualified professional" for purposes of this section shall
23 mean an individual licensed in this state, or any other state, in the same
24 profession as the defendant and either actively practicing or within five years
25 of retirement from actively practicing substantially the same specialty as the
26 defendant.

27 7. "License" for purposes of this section refers to a professional license
28 obtained pursuant to either chapter 326, 327, 339, or 340, RSMo.

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