

HCS HB 208 -- CIVIL ACTIONS (Icet)

COMMITTEE OF ORIGIN: Judiciary

This substitute requires a plaintiff in an action for damages in excess of \$3,000 against a licensed professional based on the rendering of or failure to render professional services to file an affidavit with the court. The affidavit must state that the plaintiff has obtained the written opinion of a similarly licensed professional declaring the defendant failed to use the care that a reasonably prudent and careful individual would have used under similar circumstances and that the failure to use reasonable care directly caused or contributed to the damages alleged in the petition. The affidavit must be filed no later than 90 days after the filing of the petition. If the plaintiff fails to file the affidavit, the case must be dismissed without prejudice.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.