

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5065-01
Bill No.: HB 1696
Subject: Attorneys; Liability
Type: Original
Date: March 6, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
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 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
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 as described in the bill.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Local Government

FY 2007
(10 Mo.)

FY 2008

FY 2009

\$0

\$0

\$0

FISCAL IMPACT - Small Business

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

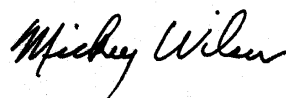
DESCRIPTION

The proposed legislation would require a plaintiff in an 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 would state that the plaintiff has obtained the written opinion of a legally qualified 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 would be filed no later than 90 days after the filing of the petition. If the plaintiff would fail to file the affidavit, the case would be dismissed without prejudice. A "legally qualified professional" would be defined as an individual licensed in the same profession as the defendant and either actively practicing in substantially the same specialty, or within five years of retirement from the specialty, as the defendant.

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. 5065-01
Bill No. HB 1696
Page 4 of 4
March 6, 2006

Mickey Wilson, CPA
Director
March 6, 2006