

SECOND REGULAR SESSION

# HOUSE BILL NO. 1696

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ICET.

Read 1st time February 7, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5065L.01I

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### AN ACT

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

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*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 537.532, to read as follows:

- 537.532. 1. In any original action for damages in excess of three thousand dollars**  
2 **against an individual or entity licensed to practice a profession by this state, in any agency**  
3 **or court thereof, on account of the rendering of or failure to render professional services,**  
4 **the plaintiff or his or her attorney shall file an affidavit with the court stating that he or**  
5 **she has obtained the written opinion of a legally qualified professional which states that**  
6 **the defendant failed to use such care as a reasonably prudent and careful professional**  
7 **would have under similar circumstances and that such failure to use such reasonable care**  
8 **directly 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 legally**  
10 **qualified 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 first**  
13 **responsive pleading unless the court, for good cause shown, orders that such time be**  
14 **extended for a period of time not to exceed an additional ninety days.**

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.

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.**

17           **6. "Legally qualified professional" for purposes of this section shall mean an**  
18 **individual licensed in this state, or any other state, in the same profession as the defendant**  
19 **and either actively practicing or within five years of retirement from actively practicing**  
20 **substantially the same specialty as the defendant.**

21           **7. "License" for purposes of this section refers to a professional license obtained**  
22 **under chapter 326, 327, 339, or 340, RSMo.**

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