

FIRST REGULAR SESSION

SENATE BILL NO. 89

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUELLER.

Pre-filed December 1, 1998, and 1,000 copies ordered printed.

S0631.011

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to claims against certain licensed professionals.

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 known as section 537.800, to read as follows:

537.800. 1. In any action against a licensed professional for damages or injuries on account of the rendering of or failure to render professional services, the plaintiff or his attorney shall file an affidavit with the court stating that he has obtained the written opinion of a legally qualified like licensed professional which states that the defendant licensed professional failed to use such care as a reasonably prudent and careful licensed professional would have under similar circumstances and that such failure to use such reasonable care directly caused or directly contributed to cause the damages claimed in the petition.

2. The affidavit shall state the qualifications of such like licensed professional to offer such opinion.

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

4. Such affidavit shall be filed no later than ninety days after the filing of the petition unless the court, for good cause shown, orders that such time be extended.

5. If the plaintiff or his attorney fails to file such affidavit, the court may, upon motion of any party, dismiss the action against such moving party without prejudice.

6. For purposes of this act, the term "licensed professional" shall mean every licensed architect, professional engineer, land surveyor or any corporation authorized to render any of the aforementioned professional services. This section shall not apply to any "health care provider" as that term is defined in section 538.205, RSMo.

7. The provisions of this section shall not apply to actions filed in small claims court pursuant to chapter 482, RSMo.

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