

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3102-01
Bill No.: SB 729
Subject: Civil Procedure; Courts; Licenses - Professional
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 **Office of State Courts Administrator (CTS)** assume the proposal will have no fiscal impact on their organization.

Officials from the **Office of Attorney General (AGO)** state the proposal appears to be limited to private actions for damages and does not include professional board licensing actions. Therefore, the AGO assumes the proposal will have no fiscal impact on their organization.

Officials from the **Department of Economic Development - Division of Professional Registration** state having reviewed the proposed legislation and having sought the conclusion of the appropriate board(s), they are of the opinion the proposal, in its present form, has no fiscal impact on their organization.

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

This proposal may impact small businesses if they are owned by or employ licensed professionals.

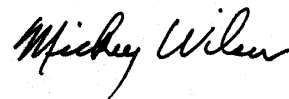
DESCRIPTION

This proposal 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 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 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. A "legally qualified professional" means 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 Attorney General
Office of State Courts Administrator
Department of Economic Development -
Division of Professional Registration



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March 6, 2006