

SSB 5728 - S AMD 162

By Senators Kastama, Esser

ADOPTED 03/14/2003

1 On page 28, after line 16, insert the following:

2 "NEW SECTION. **Sec. 801.** A new section is added to chapter 4.28
3 RCW to read as follows:

4 In any action for personal injuries, wrongful deaths, or damage to
5 property, in which the harm is alleged to have been caused by an act
6 which violates the appropriate standard of care to be exercised by an
7 individual licensed, certified, or registered by the state under Title
8 18 or 19 RCW or by the supreme court, the person initiating the action
9 shall serve upon each defendant an affidavit within ninety days of
10 service of process initiating the action. The affidavit shall be
11 executed by a person whose license, certification, or registration is
12 identical to the defendant. If there is more than one defendant, there
13 shall be an affidavit for each defendant. Each affidavit shall contain
14 a statement that the affiant believes there is a reasonable probability
15 that the defendant's conduct does not meet the standard of care
16 required to be exercised by the defendant. The affiant shall have no
17 financial interest in the outcome of the trial and have at least five
18 years of professional experience in the same vocation as the defendant
19 who is the subject of the affidavit. The affidavit shall be filed
20 within sixty days of the defendant answering the initial complaint.

21 In the event a defendant refuses to provide information necessary
22 to allow the execution of an affidavit, the court may, upon motion of
23 the plaintiff, waive the requirement following a hearing on the motion.
24 No hearing on the motion shall be held in fewer than forty-five days
25 following the receipt by the defendant of the request to provide the
26 information.

27 The court may, upon motion by the defendant and a showing of good
28 cause, grant only one additional period of forty-five days, following
29 the motion to waive the requirement of an affidavit, for the defendant
30 to provide the information required under this section."

1 Renumber the sections consecutively and correct any internal
2 references accordingly.

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3 On page 1, line 5 of the title, strike "a new section to chapter
4 4.28 RCW" and insert "new sections to chapter 4.28 RCW"

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