

SSB 5209 - S AMD 181  
By Senator Kastama

ADOPTED 03/13/2003

1 On page 11, after line 31, insert the following:

2 "NEW SECTION. **Sec. 11.** A new section is added to chapter 7.70 RCW  
3 to read as follows:

4 In any action under this chapter for personal injuries, wrongful  
5 deaths, or damage to property, in which the harm is alleged to have  
6 been caused by an act which violates the appropriate standard of care  
7 to be exercised by an individual licensed, certified, or registered  
8 pursuant to chapter 18.120 RCW, the person initiating the action shall  
9 serve upon each defendant an affidavit within ninety days of service of  
10 process initiating the action. The affidavit shall be executed by a  
11 person whose license, certification, or registration is identical to  
12 the defendant. If there is more than one defendant, there shall be an  
13 affidavit for each defendant. Each affidavit shall contain a statement  
14 that the affiant believes there is a reasonable probability that the  
15 defendant's conduct does not meet the standard of care required to be  
16 exercised by the defendant. The affiant shall have no financial  
17 interest in the outcome of the trial and have at least five years of  
18 professional experience in the same vocation as the defendant who is  
19 the subject of the affidavit. The affidavit shall be filed within  
20 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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