

CHAPTER 165

COURTS

HOUSE BILL 98-1372

BY REPRESENTATIVES Swenson, Piffner, and Sullivant;
also SENATORS Norton and Perlmutter.

AN ACT

CONCERNING REQUIRING CERTIFICATES OF REVIEW IN PROFESSIONAL NEGLIGENCE ACTIONS TO INCLUDE
THE DEFENDANT'S EMPLOYER.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 13-20-602 (1), Colorado Revised Statutes, is amended to read:

13-20-602. Actions against licensed professionals and acupuncturists - certificate of review required. (1) (a) In every action for damages or indemnity based upon the alleged professional negligence of an acupuncturist regulated pursuant to article 29.5 of title 12, C.R.S., or a licensed professional, the plaintiff's or complainant's attorney shall file with the court a certificate of review for each acupuncturist or licensed professional named as a party, as specified in subsection (3) of this section, within sixty days after the service of the complaint, counterclaim, or cross claim against such person unless the court determines that a longer period is necessary for good cause shown.

(b) A CERTIFICATE OF REVIEW SHALL BE FILED WITH RESPECT TO EVERY ACTION DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) AGAINST A COMPANY OR FIRM THAT EMPLOYED A PERSON SPECIFIED IN SUCH PARAGRAPH (a) AT THE TIME OF THE ALLEGED NEGLIGENCE, EVEN IF SUCH PERSON IS NOT NAMED AS A PARTY IN SUCH ACTION.

SECTION 2. Effective date - applicability. (1) This act shall take effect February 1, 1999, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, shall take effect on the

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

specified date only if approved by the people.

(2) The provisions of this act shall apply to actions filed on or after the applicable effective date of this act.

Approved: April 22, 1998