

April 21, 2005

H 1520. CERT. OF MERIT/CIVIL ACT./ENGINEER/ARCHITECT. REQUIRING A CERTIFICATE OF MERIT ON CIVIL ACTIONS FILED AGAINST A PERSON OR FIRM PROVIDING ARCHITECTURE OR ENGINEERING SERVICES IN THIS STATE. Adds new Article 12A to GS Chapter 1 for purpose indicated in title. Provides that in civil action or arbitration proceeding for damages arising from provision of professional services performed by "design professional" (licensed professional engineer, licensed architect, or firm or other entity in which either practices), plaintiff must file with complaint an affidavit of a third-party licensed professional engineer or licensed architect licensed in state and actively engaged in practice. Affidavit must state at least one negligent act, error, or omission claimed to exist and factual basis for claim. Provides specified exception for requirement of affidavit when filing of complaint within 10 days of expiration of statute of limitations, although affidavit must be filed within 30 days after complaint. Failure to timely file affidavit must result in dismissal of complaint, and judge has discretion to dismiss with prejudice. Makes conforming amendment to Rule 9 of Rules of Civil Procedure. Amends GS 89C-10 and 83A-6(a) to allow licensing boards for architects and engineers to adopt rules to discipline licensees who certify a civil action that is without merit.

Intro. by McComas.

Ref. to Judiciary I

GS 1, 1A, 83A, 89C