

HOUSE BILL NO. 10

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE GREEN

Introduced: 1/13/97

Referred: Labor and Commerce, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring mediation in a civil action against an architect, engineer, or
2 land surveyor; amending Rule 100, Alaska Rules of Civil Procedure; and providing
3 for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 09.55 is amended by adding a new section to read:

6 **Article 9. Malpractice Action Against Design Professional.**

7 **Sec. 09.55.700. Mandatory mediation.** (a) A civil action against a design
8 professional seeking damages resulting from professional negligence shall be submitted
9 to mediation unless all the parties to the civil action agree to waive mediation. The
10 court shall order that mediation be conducted as provided under the Alaska Rules of
11 Civil Procedure, except that, if the court requires the costs of mediation be paid by the
12 party defending against the civil action, the provisions of this section may be waived
13 at the election of the party defending against the civil action. If a party to the
14 mediation is determined by the court to be indigent, the court may impose the costs

1 of mediation on another party. If more than one party is defending against the civil
2 action, waiver of mediation is not allowed unless all defending parties agree to the
3 waiver. For purposes of waiver allowed under this subsection, "civil action" does not
4 include a counterclaim, third-party claim, or cross claim.

5 (b) In this section,

6 (1) "design professional" means an architect, engineer, or land surveyor
7 licensed in this state;

8 (2) "professional negligence" means a negligent act or omission by a
9 design professional in providing professional services;

10 (3) "professional services" means services provided by a design
11 professional that are within the scope of the services for which the design professional
12 is licensed.

13 * **Sec. 2.** AS 09.55.700, enacted by sec. 1 of this Act, has the effect of amending Rule 100,
14 Alaska Rules of Civil Procedure, by requiring, in a civil action against a design professional,
15 the parties to request mediation and the court to order mediation.

16 * **Sec. 3.** This Act applies to causes of action that accrue on or after the effective date of
17 this Act.

18 * **Sec. 4.** This Act takes effect July 1, 1997.