

Introduced: 2/8/67
Referred: Health, Welfare
and Education; Judiciary

1 IN THE SENATE

BY B. PHILLIPS

2 SENATE BILL NO. 79

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to malpractice actions."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

9 Article 6. MALPRACTICE ACTIONS.

10 Sec. 09.55.530. BURDEN OF PROOF. (a) In a malpractice action
11 the plaintiff shall have the burden of proving:

12 (1) the degree of knowledge or skill possessed or the degree
13 of care ordinarily exercised by practitioners of the same profession
14 or specialty practicing in the community where the defendant practices;

15 (2) that the defendant either lacked this degree of knowledge
16 or skill or failed to exercise this degree of care; and

17 (3) that as a proximate result of this lack of knowledge or
18 skill or the failure to exercise this degree of care the plaintiff
19 suffered injuries that would not otherwise have been incurred.

20 (b) In malpractice actions there shall be no presumption of
21 negligence on the part of the defendant.