

Introduced: 2/13/73
Referred: Health, Welfare &
Education and Judiciary

1 IN THE HOUSE

BY THE HEALTH, WELFARE
AND EDUCATION COMMITTEE

2 HOUSE BILL NO. 214

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the limitation of actions; and
7 changing Rule 8, Rules of Civil Procedure."

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

9 * Section 1. AS 09.10.070 is amended by adding new subsections to read:

10 (b) No person may bring an action against the following persons
11 for negligence in rendering professional services or for rendering
12 professional services without consent, or for an error or omission in
13 rendering professional services, unless it is commenced within two
14 years:

15 (1) a professional nurse as defined in AS 08.68.410;

16 (2) a chiropractor as defined in AS 08.20.220;

17 (3) a dentist as defined in AS 08.64.380;

18 (4) an optometrist as defined in AS 08.72.300(3);

19 (5) a registered physical therapist under AS 08.84;

20 (6) a psychologist under AS 08.86;

21 (7) a person practicing medicine or osteopathy as defined
22 in AS 08.64.380(2);

23 (8) any other person engaged in any manner in the healing
24 arts who diagnoses, treats, tests, or counsels other persons in relation
25 to human health or disease; or

26 (9) a licensed hospital as an employer of a person specified
27 in this subsection.

28 (c) If a person injured by an act or omission or the negligence
29 of a person listed in (b)(1) - (9) of this section discovers the

1 injury, or reasonably should have discovered the injury, the period of
2 limitation is one year from that time, but the period of time may in
3 no case exceed two years.

4 (d) In a complaint against a person rendering professional services
5 listed in (b)(1) - (9) of this section, if the answer maintains that
6 the action is barred by the running of the statute of limitations, and
7 if either party so moves, the court shall rule on the issue of the
8 running of the statute of limitations before all other issues.

9 * Sec. 2. Section 1 of this Act has the effect of changing Rule 8, Rules
10 of Civil Procedure, by directing the court, in cases where it is asserted
11 that a person listed in AS 09.10.070(b)(1) - (9) has rendered professional
12 medical services negligently, and a statute of limitations bar is asserted as
13 a defense, to rule on that issue before all others.