

ADOPTED

1 Senators Hamrick of the 30th and Johnson of the 1st offered the following amendment:

2 Amend the committee substitute to HB 1028 (LC 14 8858S) by adding after the semicolon
3 on line 10 of page 1 the following:

4 "to amend Title 9 of the Official Code of Georgia Annotated, relating to civil practice, so
5 as to change provisions relating to the required filing of affidavits in professional
6 malpractice actions;"

7 By renumbering Sections 2 and 3 as Sections 3 and 4, respectively, and inserting a new
8 Section 2 to read as follows:

9 **"SECTION 2.**

10 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by
11 striking subsection (b) of Code Section 9-11-9.1, relating to the required filing of affidavits
12 in professional malpractice actions, and inserting in its place a new subsection to read as
13 follows:

14 '(b) The contemporaneous filing requirement of subsection (a) of this Code section shall
15 not apply to any case in which the period of limitation will expire or there is a good faith
16 basis to believe it will expire on any claim stated in the complaint within ten days of the
17 date of filing and, because of such time constraints, the plaintiff has alleged that an
18 affidavit of an expert could not be prepared. In such cases, the plaintiff shall have ~~45~~ 60
19 days after the filing of the complaint to supplement the pleadings with the affidavit. The
20 trial court may, on motion, after hearing and for good cause extend such time as it shall
21 determine justice requires. If an affidavit is not filed within the period specified in this
22 subsection or as extended by the trial court and the defendant against whom an affidavit
23 should have been filed alleges, by motion to dismiss filed contemporaneously with its
24 initial responsive pleading that the plaintiff has failed to file the requisite affidavit, the
25 complaint is subject to dismissal for failure to state a claim. Notwithstanding the provisions
26 of this Code section and any other provisions of law which might be construed to the
27 contrary, in the event the affidavit is filed pursuant to this subsection, a defendant shall not
28 be required to serve his or her answer until 30 days after the service of such affidavit upon
29 him or her."