

2018 -- S 2865

LC005533

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURES GENERALLY -  
CAUSES OF ACTION

Introduced By: Senators Lynch Prata, Archambault, Lombardi, Nesselbush, and Jabour

Date Introduced: May 03, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-1-14.1 of the General Laws in Chapter 9-1 entitled "Causes of  
2 Action" is hereby amended to read as follows:

3 **9-1-14.1. Limitation on malpractice actions.**

4 Notwithstanding the provisions of §§ 9-1-13 and 9-1-14, an action for medical,  
5 veterinarian, accounting, or insurance or real estate agent or broker malpractice shall be  
6 commenced within three (3) years from the time of the occurrence of the incident which gave rise  
7 to the action; provided, however, that:

8 (1) One who is under disability by reason of age, ~~mental incompetence, or otherwise,~~ and  
9 on whose behalf no action is brought within the period of three (3) years from the time of the  
10 occurrence of the incident, shall bring ~~the action within three (3) years from the removal of the~~  
11 ~~disability~~ the action at any time up to twenty-one (21) years of age.

12 (2) One who is under disability by reason of mental incompetence, or otherwise, and on  
13 whose behalf no action is brought within the period of three (3) years from the time of the  
14 occurrence of the incident, shall bring the action within three (3) years from the removal of the  
15 disability.

16 ~~(2)~~(3) In respect to those injuries or damages due to acts of medical, veterinarian,  
17 accounting, or insurance or real estate agent or broker malpractice which could not in the exercise  
18 of reasonable diligence be discoverable at the time of the occurrence of the incident which gave

1 rise to the action, suit shall be commenced within three (3) years of the time that the act or acts of  
2 the malpractice should, in the exercise of reasonable diligence, have been discovered.

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1           This act would allow a minor to bring specified malpractice actions at any time up to  
2 reaching twenty-one (21) years of age.  
3           This act would take effect upon passage.

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