TITLE 7
SPECIAL PROCEEDINGS

CHAPTER 15
SMALL LAWSUIT RESOLUTION ACT

7-1501. SHORT TITLE. This chapter shall be referred to as the "Small Lawsuit Resolution Act."

[7-1501, added 2002, ch. 137, sec. 1, p. 380.]

7-1502. AUTHORIZATION. To reduce the cost and expense of litigation and encourage the swift, fair and cost-effective resolution of disputes, the legislature hereby establishes a system to encourage civil litigants to resolve their disputes through alternative dispute resolution. The procedures to be utilized under this chapter, while based on the alternative dispute resolution processes of arbitration, mediation, and early neutral evaluation, are intended to be as informal as practicable to accomplish these concurrent objectives.

[7-1502, added 2002, ch. 137, sec. 1, p. 380.]

7-1503. ACTIONS TO WHICH THE IDAHO CIVIL EVALUATION OPTION APPLIES -- INITIATION OF PROCESS -- OPTION TO MEDIATE -- MOTIONS FOR REMOVAL FROM EVALUATION. (1) Civil actions in which the sole relief sought is a money judgment in which the parties agree that the total claims for all damages sought by a party do not exceed thirty-five thousand dollars ($35,000) shall be subject to the provisions of this chapter. This chapter shall not apply to appeals from the magistrates division, disputes subject to arbitration under chapter 9, title 7, Idaho Code, proceedings in the small claims division of the district court, cases seeking a punitive damages award, or cases in which this chapter has been previously invoked.

(2) The provisions of this chapter may be initiated by any party by the filing of a notice with the court. The notice shall be filed at least one hundred fifty (150) days prior to a scheduled trial but, without the consent of all parties, may not be filed within forty-five (45) days following the service of a complaint. For actions pending in the magistrates division, however, notice shall be filed at least one hundred (100) days prior to a scheduled trial but, without consent of all the parties, may not be filed within thirty (30) days following the service of a complaint. The trial court shall retain jurisdiction over a case proceeding under this chapter and the case shall remain on the court's active calendar.

(3) The parties shall confer after the filing of the notice to determine if they wish to undertake evaluation or mediation. If they agree to mediate, the parties may agree upon a mediator or utilize as mediator an individual selected pursuant to the evaluator selection provisions of this chapter. If a mediation has been conducted under this chapter, and the mediation has not resulted in the settlement of all claims, within fourteen (14) days following such mediation, the parties shall file a notice with the clerk of the court that a mediation has been completed, that all claims have not been settled and specifying the claims which remain.

(4) If the parties are not able to agree whether to undertake a mediation or an evaluation under this chapter, a party has seven (7) days after the filing of the notice of the initiation of the provisions of this chap-

ter to file a motion seeking the court to order which form of alternative dispute resolution will be used. The moving party has a right to a hearing pursuant to the Idaho rules of civil procedure. In making its determination on the motion, the court shall consider, among other factors it deems relevant, the nature of the claim(s) and the defense(s), the prior experience, if any, of the parties or their counsel with mediation or evaluation, in this or other cases, the potential likelihood that the facts alleged in a claim, if proven, will lead to liability of one party to another, and the complexity of the case. If the court does not determine that mediation is a preferable means of alternative dispute resolution for the particular case, it shall order the parties to conduct an evaluation under the provisions of this chapter. However, if the court determines that neither mediation nor evaluation is appropriate in the case, it may order that the case proceed to trial in accordance with the Idaho rules of civil procedure.

(5) Any party may move the court for removal from the evaluation at any stage for good cause including, but not limited to, a substantial change in circumstances or a reasonable potential for the moving party to later seek amendment to its pleadings to allow that party to pursue punitive damages, making the evaluation option an inappropriate method to obtain resolution of the particular dispute.

[7-1503, added 2002, ch. 137, sec. 1, p. 381; am. 2003, ch. 29, sec. 1, p. 103; am. 2018, ch. 244, sec. 1, p. 567.]

7-1504. SELECTION OF EVALUATOR -- COURT ADMINISTRATION OF PROCEDURE -- RULES, STANDARDS AND PROCEDURES -- EXEMPTION FROM OPERATION OF THE CHAPTER. (1) All magistrate judges, district judges and appellate court judges and justices, whether classified as sitting, senior or retired, are authorized to act as civil litigation evaluators. The supreme court may establish by rule, procedures for the appointment and use, where available, of such judges as evaluators for the purposes of this chapter.

(2) The supreme court shall maintain a list of private civil litigation evaluators who are approved to serve in each district pursuant to this chapter and any rules adopted by the supreme court. Each county's clerk of the court shall from time to time be provided by the supreme court a list of evaluators who are approved to serve in that county pursuant to this chapter and any rules adopted by the supreme court.

(3) Unless a sitting or senior judge is assigned by the supreme court or administrative judge as an evaluator, or unless the parties have agreed in advance to the selection of a particular evaluator, upon receipt of a notice of initiation of the provisions of this chapter, the clerk of the court shall provide each party to the case a list containing the names of the same five (5) randomly selected evaluators. If there are more than two (2) parties to the litigation, the clerk will provide ten (10) names.

(4) In every case each party may submit requests for replacement list(s) to the clerk within three (3) days of receipt of a list of evaluators. Upon receipt of such a request, the clerk of the court shall provide each party to the case a new list containing an appropriate number of names of randomly selected evaluators.

(5) Within seven (7) days of receipt of the list, it shall be the duty of the party that filed the notice initiating proceedings under this chapter to initiate contact with the other party or parties for the purpose of selecting an evaluator. Unless the parties agree on a particular evaluator or a different method of selection, selection of the evaluator will be by al-

ternating strikes. The initiating party shall strike an evaluator's name, the opposing party shall then strike an evaluator's name with the parties alternating until only one (1) name is left. If there are more than two (2) parties, the strikes shall be made in the order the parties' names appear on the case caption commencing with the initiating party. The initiating party shall file notice of the selected evaluator within ten (10) days of the receipt of the list.

(6) If there is any dispute or failure to cooperate with the selection procedures contained in this section, any party may file a motion with the court for assistance in selection of an evaluator. No hearing shall be required and the court shall rule on such motion expeditiously and take whatever steps are necessary to obtain the prompt selection of an evaluator. If the court finds that a party has requested a replacement list of evaluators unreasonably or determines it is otherwise appropriate, the court may appoint a sitting or retired judge or a private lawyer from the list of approved evaluators to serve as evaluator for the case.

(7) Upon application by any party made no sooner than fourteen (14) days after the filing of the notice of request for civil evaluation, the clerk shall assign by random lot any of the individuals identified on the list as the evaluator if no notice of selection or motion for assistance has been filed.

(8) Nothing shall preclude the parties stipulating to the appointment of any individual who agrees to serve as their evaluator under this statute. If the parties stipulate to the appointment of an evaluator different from one on the list provided by the clerk, they shall file a joint statement to that effect with the court.

(9) To the extent it deems necessary, the supreme court may prescribe rules to reduce the costs of evaluation under this chapter. It may also prescribe forms to be used in the evaluation process, and other rules, standards or procedures it deems appropriate to effectuate the purposes of this chapter.

(10) The supreme court may exempt all cases filed in the courts of any county from the operation of this chapter if, following application made by the administrative judge of the judicial district which includes that county, the supreme court determines the county does not have sufficient judicial or other resources to implement and effectuate the purposes of this chapter or for other good cause shown.

[7-1504, added 2002, ch. 137, sec. 1, p. 382; am. 2003, ch. 29, sec. 2, p. 104.]

7-1505. QUALIFICATIONS, APPOINTMENT AND COMPENSATION OF EVALUATORS. (1) Any individual desiring to be on a list of private civil litigation evaluators under this chapter shall submit a request to the supreme court identifying each county in which the individual wishes to serve. The task of acting as an evaluator under this chapter shall be a service to the judiciary and the legal profession. The legislature encourages members of the bar to accept up to two (2) appointments under this chapter on a pro bono basis each year.

(2) To be listed as a private civil litigation evaluator, a person must currently be an active member of the Idaho state bar association and have had such membership for a minimum of seven (7) years or be a retired or senior judge. To the extent it deems them necessary, the supreme court may prescribe by rule additional qualifications for civil litigation evaluators in

some or all cases with the purpose of providing the largest pool of individuals with the knowledge and experience to fairly determine claims under this chapter at minimal or no cost to litigants.

(3) Upon appointment in each case, the evaluator must sign an oath to fulfill the duties of the office, including the impartial, unbiased and timely discharge of those duties. He must also affirmatively state that he has no conflict of interest or, in the alternative, make a written disclosure of any conflict of interest to the parties, which they may waive by filing a written consent with the evaluator. Challenges to the service of an evaluator shall be made by motion to the trial court and shall be heard expeditiously. Evaluators may decline an appointment. The trial court may also release evaluators from an appointment for good cause. If an evaluator declines or is released from service, a new list shall be requested from the clerk for selection of an evaluator.

(4) Evaluators shall submit their rates of hourly compensation, if any, to the supreme court when submitting their request to be on the list of civil litigation evaluators. The clerk shall include the rate of hourly compensation, if any, for each evaluator in the list of names submitted to the parties. The parties shall each pay an equal portion of a private evaluator's fee if any is charged as well as an equal portion of any actual costs incurred by the private evaluator. Individuals who wish to serve as private civil litigation evaluators under this chapter other than on a pro bono basis shall agree to serve as an evaluator in exchange for a fee not to exceed one thousand dollars ($1,000) unless the parties agree otherwise. Provided however, sitting or senior judges appointed as evaluators by the supreme court or administrative judge as part of their judicial service shall not be compensated by the parties. Retired or senior judges selected by the parties from the roster of private civil litigation evaluators maintained by the supreme court through the administrative director of the courts shall be compensated by the parties in accordance with this subsection.

[7-1505, added 2002, ch. 137, sec. 1, p. 383; am. 2003, ch. 29, sec. 3, p. 105.]

7-1506. EVALUATOR AUTHORITY -- PROCEDURES RELATING TO SERVICE, FILING AND COMPUTATION OF TIME. (1) Solely for the purpose of an evaluation, an evaluator has the authority to:

(a) Decide procedural issues and deadlines relating to the conduct of the evaluation, including discovery disputes, arising before or during the evaluation process except issues relating to the qualification of the evaluator, which shall be decided by the trial court.

(b) Invite, with reasonable notice, the parties to submit preevaluation briefs;

(c) Examine any site or object relevant to the case;

(d) Administer oaths and affirmations to witnesses for the purposes of the evaluation;

(e) Rule on the admissibility of evidence;

(f) Determine the facts, decide the law, and issue a written evaluation decision; and

(g) Take such other acts as are necessary to accomplish the object of a fair, swift, and cost-effective determination of the case.

(2) An evaluator shall not decide motions to dismiss, motions to add or change parties in the case, or motions for summary judgment. Any such motion shall be presented to the trial court for determination.

(3) After the case is assigned to the evaluator, service shall be made consistent with rule 5 of the Idaho rules of civil procedure, except that documents used in the evaluation shall be filed with the evaluator instead of the court.

(4) Time shall be computed pursuant to the Idaho rules of civil procedure.

(5) Except for the authority expressly given to an evaluator by this chapter, all issues shall be determined by the court.

[7-1506, added 2002, ch. 137, sec. 1, p. 384; am. 2003, ch. 29, sec. 4, p. 106.]

7-1507. DISCOVERY. (1) Unless the evaluator orders otherwise:

(a) A defending party may demand in writing a statement from each claimant setting forth separately the amounts of any special, general or other damages sought in the evaluation. Such statement shall be served on all parties no later than twenty-one (21) days after receipt of the demand;

(b) A party may take the deposition of another party pursuant to the Idaho rules of civil procedure;

(c) If the physical or mental condition of a claimant is at issue, the defending parties may obtain the relevant medical reports of the claimant and one (1) defendant's medical examination of the claimant. The evaluator shall decide any limitations to be placed on the time, place, manner, conditions or scope of the examination if requested. A claimant shall have an absolute right to a copy of any document relating to the claimant which is created by the examiner or the examiner's employees or agents during or after the examination. Such materials shall be provided to the claimant within fourteen (14) days of the date of the examination and no later than twenty-one (21) days prior to the evaluation hearing date. Failure to timely provide the medical examiner's materials shall be a basis for vacating and rescheduling the hearing or for excluding the evidence in the discretion of the evaluator;

(d) The parties may submit requests for admission to one another pursuant to the Idaho rules of civil procedure.

(2) The conclusions and foundations therefore of any expert opinion testimony that a party intends to offer at the evaluation shall be submitted in writing to the opposing party no later than twenty-one (21) days prior to the evaluation. Medical records are deemed to fulfill the requirements of this subsection. If the opposing party concludes that it needs to take the expert's deposition and the parties cannot reach agreement to do so, the written report shall be submitted to the evaluator who, after hearing the opposing party's reasons for requesting the deposition, may order it to go forward. The evaluator's determination that such discovery will occur shall be based on whether it is necessary to obtain a fair determination of the case. If a party wishes to offer the live testimony of any expert witness at the evaluation, notice of the intent to do so must be given to the other parties no later than twenty-one (21) days prior to the evaluation and the opposing parties shall have the right to depose the expert before the evaluation is conducted.

(3) No additional discovery shall be due or obtained for the purpose of the evaluation unless the parties stipulate thereto or the evaluator has ordered otherwise based on the evaluator's determination that such discovery

is necessary to obtain a fair, swift and cost-effective determination of the case.

(4) Costs of all depositions, including fees for expert testimony, and medical examinations shall be paid by the party requesting the examination or testimony.

[7-1507, added 2002, ch. 137, sec. 1, p. 384; am. 2003, ch. 29, sec. 5, p. 107.]

7-1508. PREHEARING AND HEARING PROCEDURES. (1) The evaluator shall set the time and place of the evaluation hearing and shall give reasonable notice of the hearing to the parties. The parties may agree to hold the hearing by telephone. Except by stipulation among the parties and the evaluator, or for good cause shown, the hearing shall be scheduled to take place no sooner than twenty-eight (28) days, nor later than seventy (70) days, from the date of the assignment of the case to the evaluator. If a case will be heard later than seventy (70) days from the date of assignment, the evaluator shall file a notice with the trial court providing reasons for the delay and informing the court of the date of the hearing.

(2) Subject to the evaluator's discretion, no party shall be allowed more than three (3) hours for presentation of its case at an evaluation hearing.

(3) Counsel for the parties and the evaluator may issue subpoenas for the hearing in the manner provided in the Idaho rules of civil procedure.

(4) Unless otherwise agreed by the parties, at least seven (7) days prior to the date of the evaluation, each party shall file with the evaluator and serve upon all other parties a prehearing statement containing a list of witnesses the party intends to call at the evaluation hearing and a list of exhibits and documentary evidence a party intends to utilize at the hearing. The document will identify whether the testimony shall be live, presented in a sworn writing, or taken by telephone. All written and other tangible evidence identified shall be made available for the opposing party's inspection and copying at least seven (7) days prior to the hearing date. The evaluator may exclude any evidence not provided in compliance with this section.

(5) The evaluator shall control the mode and order of proof with the objectives of making the presentation of evidence effective for the ascertainment of facts, avoiding the needless consumption of time, protecting witnesses from harassment and undue embarrassment, and ensuring the fair, swift, and cost-effective determination of the case. Witnesses shall testify under oath administered by the evaluator with the full penalty of law to apply to violation of that oath. The evaluator may allow testimony by telephone or other nontraditional means. The evaluator may question any witness. A party has the right to cross-examine any other party and any witness called by another party.

(6) A stenographic or electronic recording may be made at the request and at the expense of any party.

(7) Proceedings shall be under the control of the evaluator and as informal as practicable. The extent to which the formal rules of evidence will be applied shall rest in the discretion of the evaluator. To the extent determined applicable, the evaluator shall construe those rules liberally in order to effectuate a fair, swift and cost-efficient procedure. Expert opinion testimony shall only be allowed if the conclusions and foundations therefore were appropriately disclosed and, if offered live, subjected to

the opportunity for deposition pursuant to section 7-1507(2), Idaho Code, and otherwise admissible under the Idaho rules of evidence.

(8) To effectuate the fair, swift and cost-efficient nature of the evaluation, the following documents shall be presumed admissible and may be provided to the evaluator prior to the hearing, provided the documents are disclosed in the prehearing statement and, where relevant, the name, address and telephone number of the author of the document is contained in the document or set forth in the prehearing statement:

(a) Any written contract between the parties;

(b) A copy of any billing statement or invoice prepared in the normal course of business;

(c) Copies of any correspondence between the parties except documents inadmissible under rule 408 of the Idaho rules of evidence;

(d) Any document that would be admissible under rule 803(6) of the Idaho rules of evidence;

(e) A bill, report, chart, or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead, or billhead or otherwise clearly identifiable as part of the provider's professional record;

(f) A bill for drugs, medical appliances or other related expenses on letterhead, or billhead or otherwise clearly identifiable as part of a provider's professional record;

(g) A bill for, or estimate of, property damage or loss on a letterhead or billhead. In the case of an estimate, the offering party shall notify the adverse party no later than, as part of the prehearing statement, whether the property was repaired, in full or in part and provide the actual bill showing the cost of repairs;

(h) A police, weather, or wage loss report or standard life expectancy table to the extent it is relevant without need for authentication;

(i) A photograph, videotape, x-ray, drawing, map, blueprint, or similar evidence to the extent it is relevant without the need for authentication;

(j) The written statement of any witness made as part of a police investigation;

(k) The written statement of any witness, including a written report of any expert witness that contains a statement of opinion based on proper qualifications which the witness would be allowed to express if testifying in person;

(l) A document not specifically covered by the foregoing but having equivalent circumstantial guarantees of trustworthiness, the admission of which would help in the swift, fair and cost-effective resolution of the dispute or otherwise serve the interests of justice.

(9) The admission of a document under subsection (8) of this section does not, in any manner, restrict argument or proof relating to the weight of the evidence admitted, nor does it limit the evaluator's discretion to determine the weight of the evidence after hearing all evidence and the arguments of the parties.

(10) The evaluation hearing may proceed, and a decision may issue, in the absence of any party who, after due notice, fails to participate or to obtain a continuance. Continuances shall only be granted for good cause and for the shortest practicable time. If a party is absent, the evaluator may permit any party present to submit evidence supporting such present party's

position in the case. In a case involving more than one (1) defendant, the absence of a defendant shall not preclude the evaluator from assessing as part of the award, damages against the defendant or defendants who are absent. The evaluator, for good cause shown, may allow an absent party an opportunity to appear at a subsequent hearing before making an award. A party who fails to participate in the hearing or prehearing process without good cause waives the right to a trial de novo. If it is shown to the trial court by clear and convincing evidence that a party or its counsel has not acted in good faith during the evaluation, the trial court may impose any appropriate sanction against such party or its counsel.

[7-1508, added 2002, ch. 137, sec. 1, p. 384; am. 2003, ch. 29, sec. 6, p. 108.]

7-1509. EVALUATION DECISION -- TRIAL DE NOVO -- MISCELLANEOUS. (1) Within fourteen (14) days following the evaluation, the evaluator shall issue a written, signed decision. The evaluator shall determine all issues raised by the pleadings, including a determination of any damages. The evaluator shall apply the applicable law as it exists; however, neither findings of fact nor conclusions of law shall be required. The decision shall be served on the parties. The evaluator shall file a notice of issuance of the evaluator's decision with the clerk of the court, together with proof of service of the notice and the decision on the parties. The decision shall not be filed with the clerk of the court. The evaluator's decision shall not exceed thirty-five thousand dollars ($35,000) in total damages to a party. The evaluator's decision shall not include exemplary or punitive damages. An evaluator may, in addition, award costs and attorney's fees under the terms of an applicable contract. All other costs and attorney's fees to which a party is entitled by statute or court rule shall be awarded by the court.

(2) Within twenty-one (21) days after the notice of issuance of the evaluator's decision has been filed with the clerk of the court, any party may file with the clerk a request for a trial de novo in the district court on all issues of law and fact.

(3) The trial de novo shall proceed as if the evaluation had not occurred. No reference to the evaluation or to the amount of the evaluation decision shall be made to the trial court or the jury during any part of the trial de novo. Discovery taken and recorded statements made during the evaluation process may be used at the trial de novo as provided in the Idaho rules of civil procedure and the Idaho rules of evidence; however, no reference shall be made to the fact that any statement was made in an evaluation proceeding. Any dollar amount sought, demanded or awarded during the evaluation, including the parties' agreement that for the purposes of the evaluation the claim is limited to thirty-five thousand dollars ($35,000), shall be treated as an offer of compromise pursuant to the Idaho rules of evidence and shall not be admissible at trial. Any examination made pursuant to the provisions of section 7-1507(1)(c), Idaho Code, shall be subject to rule 35 of the Idaho rules of civil procedure. Any violation of the provisions of this subsection by a party or its attorney shall be subject to appropriate sanctions by the trial court.

(4) The relief sought at trial shall not be limited by the evaluation; provided however, that judgment for damages of more than thirty-five thousand dollars ($35,000), exclusive of costs and fees, may not be entered for a party who has agreed that its claim does not exceed thirty-five thousand dol-

lars ($35,000) for the purposes of initiating alternative dispute resolution under this chapter and shall be reduced by the court unless the claimant establishes the applicability of the factors of rule 60 of the Idaho rules of civil procedure. An evaluator may not be called as a witness at the trial de novo.

(5) The trial court shall assess costs, reasonable attorney's fees, and the entire amount of the evaluator's fee against a party who requests a trial de novo and fails to improve its position at the trial de novo by at least fifteen percent (15%). For purposes of this subsection, "costs and reasonable attorney's fees" means all attorney's fees and costs as provided for by statute or court rule incurred after the filing of a request for a trial de novo. In addition, the court shall award all other expert witness fees and expenses in excess of those permitted by statute or rule if the court finds that they were reasonably incurred.

(6) Within twenty-one (21) days following the filing of the request for trial de novo, a party may serve upon the other party(ies) a written offer of compromise. If an offer of compromise is not accepted by the other party(ies) within fourteen (14) days after service thereof, the amount used for determining whether the party requesting the trial de novo has improved its position shall be the amount of the offer of compromise. Neither the evaluator's decision nor the offer of compromise shall be submitted to the trial court until the verdict or judgment has been rendered in the trial de novo.

(7) The trial court may assess some or all costs and reasonable attorney's fees against a party who withdraws its request for a trial de novo where the withdrawal is not in conjunction with the acceptance of an offer of compromise.

(8) If no request for trial de novo has been filed at the expiration of twenty-one (21) days following the filing of the evaluator's notice of decision, a judgment may be presented to the court by any party accompanied by a copy of the evaluator's decision. If the judgment is in conformity with the evaluator's decision it shall be entered and shall have the same force and effect as any other judgment in a civil action but shall not be subject to appellate review and may only be set aside pursuant to the provisions of rule 60 of the Idaho rules of civil procedure. An accepted offer of compromise may also be presented to the court to be converted to a judgment.

(9) Except as provided in subsection (5) of this section, the provisions of this chapter do not affect or preclude the application of any other statute or rule regarding fees or costs including, but not limited to, those in title 7 or 12, Idaho Code, section 41-1839, Idaho Code, or the Idaho rules of civil procedure. Awards of damages and of attorney's fees and costs, when made to opposing parties, shall be set off against one another and judgment shall be entered for the net amount to the party(ies) entitled thereto.

(10) An evaluator may obtain a judgment for his fees and costs in the pending litigation against any party that refuses to pay its share. Judgment shall be obtained by motion to the trial court which shall only be granted after the party failing to pay has had the opportunity to be heard and object.

[7-1509, added 2002, ch. 137, sec. 1, p. 387; am. 2003, ch. 29, sec. 7, p. 110; am. 2019, ch. 187, sec. 1, p. 594.]

7-1510. RIGHT TO TRIAL. The intent of this chapter is to maintain the right to a court or jury trial and the provisions of this statute shall not be construed to impair that right.

[7-1510, added 2002, ch. 137, sec. 1, p. 389; am. 2003, ch. 29, sec. 8, p. 112.]

7-1511. SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[7-1511, added 2002, ch. 137, sec. 1, p. 389.]

7-1512. STATISTICAL RECORDS -- COMPILATION OF EVALUATOR LIST. (1) The supreme court shall keep statistical records of the number of requests for evaluation filed pursuant to the provisions of this chapter, the number of requests for trial de novo hereunder, and the number of instances in which a party improves its position by at least fifteen percent (15%) at trial.

(2) Commencing no later than July 1, 2002, the supreme court shall begin compiling the names of individuals desiring to serve as civil litigation evaluators in each judicial district.

[7-1512, added 2002, ch. 137, sec. 1, p. 389; am. 2003, ch. 29, sec. 9, p. 112.]