



January 25, 2010

HOUSE BILL No. 1255

DIGEST OF HB 1255 (Updated January 19, 2010 10:46 am - DI 107)

Citations Affected: IC 34-44.

Synopsis: Proof of collateral source payments. Prohibits a court from admitting into evidence a writeoff, discount, or other deduction associated with a collateral source payment in a personal injury or wrongful death action.

Effective: July 1, 2010.

GiaQuinta, DeLaney

January 12, 2010, read first time and referred to Committee on Judiciary.
January 25, 2010, reported — Do Pass.

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HB 1255—LS 6563/DI 106+



January 25, 2010

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1255

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-44-1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. In a personal injury
3 or wrongful death action, the court shall allow the admission into
4 evidence of:
5 (1) proof of collateral source payments other than:
6 (A) payments of life insurance or other death benefits;
7 (B) insurance benefits for which the plaintiff or members of
8 the plaintiff's family have paid for directly; ~~or~~
9 (C) payments made by:
10 (i) the state or the United States; or
11 (ii) any agency, instrumentality, or subdivision of the state
12 or the United States;
13 that have been made before trial to a plaintiff as compensation
14 for the loss or injury for which the action is brought; **or**
15 **(D) a writeoff, discount, or other deduction associated with**
16 **a collateral source payment.**
17 (2) proof of the amount of money that the plaintiff is required to

HB 1255—LS 6563/DI 106+



1 repay, including worker's compensation benefits, as a result of the
2 collateral benefits received; and
3 (3) proof of the cost to the plaintiff or to members of the plaintiff's
4 family of collateral benefits received by the plaintiff or the
5 plaintiff's family.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1255, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LAWSON L, Chair

Committee Vote: yeas 8, nays 4.

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