

SENATE BILL No. 489

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-44-1-2.

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, unless the action is an action for medical malpractice.

Effective: July 1, 2011.

Steele

January 13, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 489



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, 2011]: 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) except in the case of an action brought under IC 34-18,**
 - 16 **a writeoff, discount, or other deduction associated with a**
 - 17 **collateral source payment;**



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

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