

# SENATE BILL No. 87

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## 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, 2012.

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### Steele

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January 4, 2012, read first time and referred to Committee on Judiciary.

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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 2011 Regular Session of the General Assembly.

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# SENATE BILL No. 87



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, AS AMENDED BY P.L.1-2010,  
 2 SECTION 139, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2012]: Sec. 2. In a personal injury or wrongful  
 4 death action, the court shall allow the admission into 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 that the plaintiff or members of the  
 8 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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