



General Assembly

February Session, 2010

Raised Bill No. 482

LCO No. 2533

02533_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING COLLATERAL SOURCE BENEFITS IN CIVIL ACTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-225a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) In any civil action, whether in tort or in contract, wherein the
4 claimant seeks to recover damages resulting from (1) personal injury or
5 wrongful death occurring on or after October 1, 1987, or (2) personal
6 injury or wrongful death, arising out of the rendition of professional
7 services by a health care provider, occurring on or after October 1,
8 1985, and prior to October 1, 1986, if the action was filed on or after
9 October 1, 1987, and wherein liability is admitted or is determined by
10 the trier of fact and damages are awarded to compensate the claimant,
11 the court shall reduce the amount of such award which represents
12 economic damages, as defined in subdivision (1) of subsection (a) of
13 section 52-572h, by an amount equal to the total of amounts
14 determined to have been paid, reduced, forgiven or discharged under
15 subsection (b) of this section less the total of amounts determined to
16 have been paid under subsection (c) of this section, except that there

17 shall be no reduction by the court for (A) a collateral source for which
18 a right of subrogation exists, and (B) the amount of collateral sources
19 equal to the reduction in the claimant's economic damages attributable
20 to the claimant's percentage of negligence pursuant to section 52-572h.

21 (b) Upon a finding of liability and an awarding of damages by the
22 trier of fact and before the court enters judgment, the court shall
23 receive evidence from the claimant and other appropriate persons
24 concerning the total amount of collateral sources which have been
25 paid, reduced, forgiven or discharged for the benefit of the claimant as
26 of the date the court enters judgment. Any evidence submitted by the
27 claimant or other appropriate person pursuant to this subsection shall
28 indicate as paid only the payments made to the claimant, or on the
29 claimant's behalf, and shall separately itemize any amount actually
30 reduced, forgiven or discharged for the benefit of the claimant.

31 (c) The court shall receive evidence from the claimant and any other
32 appropriate person concerning any amount which has been paid,
33 contributed, or forfeited, as of the date the court enters judgment, by,
34 or on behalf of, the claimant or members of [his] the claimant's
35 immediate family to secure [his] the claimant's right to any collateral
36 source benefit which [he] the claimant has received as a result of such
37 injury or death.

38 Sec. 2. Section 52-225b of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective October 1, 2010*):

40 For purposes of sections 52-225a to 52-225c, inclusive, as amended
41 by this act: "Collateral sources" means any payments made to the
42 claimant, or on [his] the claimant's behalf, or any reduction,
43 forgiveness or discharge of the costs of hospital, medical, dental or
44 other health care services provided to the claimant, by or pursuant to:
45 (1) Any health or sickness insurance, automobile accident insurance
46 that provides health benefits, and any other similar insurance benefits,
47 except life insurance benefits available to the claimant, whether
48 purchased by [him] the claimant or provided by others; or (2) any

49 contract or agreement of any group, organization, partnership or
50 corporation to provide, pay for, [or] reimburse, reduce, forgive or
51 discharge the costs of hospital, medical, dental or other health care
52 services. "Collateral sources" do not include amounts (A) received by a
53 claimant as a settlement, or (B) of economic damages that have been
54 reduced, forgiven or discharged.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	52-225a
Sec. 2	<i>October 1, 2010</i>	52-225b

Statement of Purpose:

To clarify the definition of collateral sources in personal injury and wrongful death actions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]