

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1440 Session of
1989

INTRODUCED BY HECKLER, BATTISTO, BRANDT, MORRIS, CHADWICK,
GAMBLE, BLACK, COY, ROBBINS, MAYERNIK, CLYMER, YANDRISEVITS,
FARGO, TIGUE, S. H. SMITH, GEIST, MOWERY AND FLEAGLE,
MAY 22, 1989

REFERRED TO COMMITTEE ON JUDICIARY, MAY 22, 1989

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 admissibility of certain evidence relating to certain
4 benefits.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 6145. Collateral source.

10 (a) Admissibility of certain benefits.--The amount of public
11 benefits or group benefits which a plaintiff in a civil action
12 received prior to trial, or is entitled to receive in the future
13 as a consequence of the injury which gave rise to the cause of
14 action, shall be admissible into evidence and shall be
15 considered by the jury in determining damages.

16 (b) Inadmissibility of certain benefits.--The following
17 benefits shall not be admissible into evidence and shall not be
18 considered by the jury in determining damages:

1 (1) Life insurance, pension or profit sharing or other
2 deferred compensation plans.

3 (2) Public benefits paid or payable under a program
4 which, pursuant to Federal law, provides a right of
5 reimbursement which supercedes State law for the amount of
6 benefits paid from a verdict or settlement.

7 (3) Financial benefits which a plaintiff has received or
8 is entitled to receive by virtue of a health insurance or
9 disability program paid for by the plaintiff or a member of
10 the plaintiff's family residing in the same household or by a
11 person obligated by law to provide support for the plaintiff.

12 (c) Subrogation.--Where a plaintiff has received benefits
13 set forth in subsection (a), and the benefits are subject to a
14 right of subrogation, that amount shall also be admissible into
15 evidence and considered by the jury in determining damages.

16 (d) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection:

19 "Group benefits." Compensation or benefits for which the
20 cost has been paid, in whole or in part, by the employer of a
21 plaintiff, or the employer of a member of the plaintiff's
22 household or of an individual legally responsible for the
23 plaintiff.

24 "Public benefits." Compensation or benefits paid, payable or
25 required by the Federal Government, a state government or a
26 local government and any other public programs providing medical
27 benefits, including, but not limited to, Social Security and
28 workers' compensation.

29 Section 2. This act shall apply to actions which are
30 commenced after the effective date of this act.

1 Section 3. This act shall take effect immediately.