

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 539

Short Title: Collateral Source Evidence.

(Public)

Sponsors: Representatives Neely; Berry, Cansler, Dockham, Esposito, Gray, Hardy, Hill, Kiser, McComas, McMahan, Miner, Mitchell, Morgan, Morris, Russell, Watson, and C. Wilson.

Referred to: Judiciary II.

March 19, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PREVENT DOUBLE RECOVERIES IN PROPERTY DAMAGE,
2 PERSONAL INJURY, AND WRONGFUL DEATH ACTIONS BY ALLOWING
3 EVIDENCE OF OTHER SOURCES OF RECOVERY.
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5 The General Assembly of North Carolina enacts:

6 Section 1. Article 4 of Chapter 8C of the General Statutes is amended by
7 adding a new section to read:

8 "Rule 413. Collateral source of evidence.

9 (a) For the purposes of this Rule, the term 'collateral source payments' means
10 payments related to the injury, disability, or death in question made to the plaintiff, or on
11 plaintiff's behalf by or pursuant to:

12 (1) A federal, state, or local income disability or workers' compensation act;
13 or other public program providing medical expenses, disability
14 payments, or similar benefits;

15 (2) Health, accident, sickness, or automobile accident insurance or liability
16 insurance that provides health benefits or income disability coverage;
17 except that 'collateral source payments' shall not include life insurance
18 benefits available to the plaintiff, whether purchased by the plaintiff or

- 1 provided by others, payments made pursuant to the Social Security Act,
2 or pension payments;
- 3 (3) A contract or agreement of a group, organization, partnership, or
4 corporation to provide, pay for, or reimburse the costs of hospital,
5 medical, dental, or other health care services; or
- 6 (4) A contractual or voluntary wage continuation plan provided by
7 employers or any system intended to provide substitute wages during a
8 period of disability.
- 9 (b) In a property damage, personal injury, or wrongful death action, the court shall
10 allow into evidence proof of:
- 11 (1) Collateral source payments;
- 12 (2) The amount of money which the party against whom the evidence of
13 collateral source payment is offered is required to repay as a result of
14 the collateral source payments received; and
- 15 (3) The amount of recovery which the party against whom the evidence of
16 collateral source payments is offered is required to pay toward the
17 expenses related to the party's property damage, injury or death claim
18 after the collateral source payments were made."
- 19 Section 2. This act is effective when it becomes law and applies to causes of
20 action arising on or after that date.