

HOUSE BILL NO. HB0279

Collateral source payments.

Sponsored by: Representative(s) Meuli and Senator(s) Anderson, J.

A BILL

for

1 AN ACT relating to civil actions; authorizing the  
2 introduction of evidence with respect to whether collateral  
3 source payments have been received in medical liability  
4 cases as specified; authorizing a reduction of damages as  
5 specified; providing a definition; and providing for an  
6 effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 1-1-131 is created to read:

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12 **1-1-131. Actions against health care providers;**  
13 **collateral source payments.**

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15 (a) In any action for damages for injury or death  
16 against a health care provider, whether based upon tort,

1 breach of contract, or otherwise, where the liability of a  
2 defendant is admitted or established, the defendant may  
3 introduce evidence for consideration by the finder of fact  
4 on the question of whether any cost or expense incurred by  
5 the plaintiff for medical care, custodial care,  
6 rehabilitation services, loss of earned income or other  
7 economic loss has been replaced or indemnified, in whole or  
8 in part, by a collateral source from a governmental,  
9 employee or service benefit program or insurance of any  
10 kind except life insurance, and excluding the assets of the  
11 plaintiff or the plaintiff's immediate family.

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13 (b) If the defendant elects to introduce evidence as  
14 provided in subsection (a) of this section, the plaintiff  
15 may introduce evidence of any amount that the plaintiff has  
16 paid or contributed to secure the plaintiff's right to  
17 receive the benefits of which the defendant has introduced  
18 evidence.

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20 (c) If the defendant elects to introduce evidence as  
21 provided in subsection (a) of this section, the finder of  
22 fact may reduce the amount of the plaintiff's award by an  
23 amount equal to the total amount received from any  
24 collateral source.

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2 (d) For purposes of this section, "health care  
3 provider" means as defined in W.S. 1-1-130.

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5 **Section 2.** This act is effective July 1, 2005.

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(END)