

HB 2384 -- EVIDENCE OF DAMAGES IN CIVIL ACTIONS

SPONSOR: Christofanelli

This bill specifies that a claimant claiming to have suffered bodily injury and who may recover the cost of past or future medical care or treatment as damages will be limited to recovering the "actual cost of the medical care or treatment", defined as the difference between the total amount billed for the claimant's medical care or treatment and the sum of all contractual adjustments, adjustments required by law, regulation, or regulatory action, price reductions, discounts, and write-off applied or required to be applied by the medical care provider. Subject to exceptions in the bill, no party shall be permitted to introduce evidence or advise the jury of any amount of medical charges other than the actual cost of the medical care or treatment.

Additionally, no offer of an advance or partial payment by a party or the party's insurer or authorized representative before judgment to an injured person or on his or her behalf to others or any other special damages will be admissible into evidence as an admission against interest or admission of liability by such party or such party's insurer's recognition of liability coverage with respect to such injured or deceased person or with respect to any other claim arising from the same accident or event. Any party that made advance or partial payments will be entitled to choose either a credit in the amount of all such payments made by the party against the final judgment rendered against the party or introduction of evidence at trial that such payments were made by or on behalf of the party and the amounts of such payments. If reference to payments under the provisions of this section is made at trial before the party that made the payments introduces evidence of the payments, the party will be entitled to a mistrial if the party so requests.

The provisions of this bill will apply to any proceeding commenced prior to August 28, 2020.