

SESSION OF 2005

SUPPLEMENTAL NOTE ON SENATE BILL NO. 102

As Amended by House Committee of the Whole

Brief*

SB 102 would amend existing law, KSA 60-3802, by making collateral source benefits admissible in any action for personal injury or death, regardless of the damage award requested. Under current law, in any action for personal injury or death in which the claimant requests judgment for damages in excess of \$150,000, evidence of collateral source benefits received or reasonably expected are admissible.

The bill also would amend KSA 60-3804 to allow that the trier of fact may, instead of the "shall" in existing law, determine the net collateral source benefits received and reasonably expected and to include a provision for such determination by the jury. KSA 60-3805 would be amended to also allow for the trier of fact's net collateral source benefit determination.

Background

The bill, as introduced by the Senate Committee on Financial Institutions and Insurance, was requested by the Insurance Commissioner whose representative indicated that policy and contract holders should have a clear understanding as to why their policies are not being renewed (closing of a block of business) and the comparable coverage options available to them.

The House Committee on Insurance recommended striking the language of the bill as introduced by the Senate Committee on Financial Institutions and Insurance and inserting the language from 2005 HB 2150, as introduced by the Committee on Judiciary.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Collateral source benefits include income from insurance policies, medical services, governmental benefits such as workers' compensation, and Social Security.

The House Committee of the Whole amendments insert the language of KSA 60-3804, amending the existing law to allow that the trier of fact may determine the net collateral source benefits to allow that in addition, if the action for personal injury or death is tried to jury, the jury makes such determination. The amendments also inserted language from KSA 60-3805 to also allow for a net collateral source benefit determination.

The fiscal note prepared by the Division of the Budget on the introduced version of HB 2150 indicates that the Office of Judicial Administration is unable to estimate the number of civil actions that would be affected by the bill. Any fiscal effect of the bill would be unaccounted for in the *FY 2006 Governor's Budget Report*.