

SENATE BILL NO. 1201

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

3906S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 490.715, RSMo, and to enact in lieu thereof one new section relating to payments for tort liability to insurers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 490.715, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 490.715,
3 to read as follows:

490.715. 1. No evidence of collateral sources, or
2 payments rendered under subsection 2 of this section, shall
3 be admissible other than such evidence provided for in this
4 section.

5 2. If prior to trial a defendant or his or her insurer
6 or authorized representative, or any combination of them,
7 pays all or any part of a plaintiff's special damages, then
8 any portion of a plaintiff's claims for special damages that
9 are satisfied by a payment from a defendant or the
10 defendant's insurer or authorized representative, or any
11 combination of them, are not recoverable from that defendant.

12 3. **Whether or not a claim has been assigned or**
13 **subrogated to an insurer, if prior to the filing of a claim**
14 **of liability, predicated on possible tort liability, a**
15 **defendant or his or her insurer or authorized**
16 **representative, or any combination of them, reimburses to a**
17 **plaintiff's insurer all or any part of the plaintiff's**
18 **deductible and damages paid to such plaintiff by such**
19 **insurer, then any portion of the plaintiff's claim for**
20 **damages that are satisfied by the reimbursement from the**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

21 defendant or the defendant's insurer or authorized
22 representative, or any combination of them, are not
23 recoverable from the defendant if the plaintiff would have a
24 potential double recovery from his or her insurer and the
25 defendant or the defendant's insurer or authorized
26 representative, or any combination of them.

27 4. If such payments described in subsection 2 of this
28 section are included in a plaintiff's claim for special
29 damages at trial, the defendant who made the payment, or on
30 whose behalf the payment was made, shall be entitled to
31 deduct and receive a credit for such payments from any
32 judgment as provided for in section 490.710.

33 [4.] 5. This section does not require the exclusion of
34 evidence admissible for another proper purpose.

35 [5.] 6. (1) Except as provided in subsection 2 of
36 this section, parties may introduce evidence of the actual
37 cost of the medical care or treatment rendered to a
38 plaintiff or a patient whose care is at issue. Actual cost
39 of the medical care or treatment shall be reasonable,
40 necessary, and a proximate result of the negligence or fault
41 of any party.

42 (2) For purposes of this subsection, the phrase
43 "actual cost of the medical care or treatment" shall be
44 defined as a sum of money not to exceed the dollar amounts
45 paid by or on behalf of a plaintiff or a patient whose care
46 is at issue plus any remaining dollar amount necessary to
47 satisfy the financial obligation for medical care or
48 treatment by a health care provider after adjustment for any
49 contractual discounts, price reduction, or write-off by any
50 person or entity.

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