

Senate Bill 155

By: Senators Cowser of the 46th, Miller of the 49th, Gooch of the 51st, Wilkinson of the 50th, Tippins of the 37th and others

A BILL TO BE ENTITLED

AN ACT

To amend Article 1 of Chapter 12 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding damages, so as to provide that in an action to recover damages from death or injury only actual amounts paid for health care services or treatment shall be recoverable; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 12 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding damages, is amended by adding a new Code section to read as follows:

"51-12-1.1.

(a) In an action to recover damages resulting from death or injury, the damages that may be recovered by a claimant for reasonable and necessary health care services or treatment received shall include only:

(1) Amounts actually paid by or on behalf of the claimant; and

(2) Amounts actually necessary to satisfy unpaid charges still due and payable to the health care service provider for which the claimant or a third party on behalf of the claimant has a legal obligation to pay.

(b) Unpaid charges under paragraph (2) of subsection (a) of this Code section shall not exceed amounts customarily accepted by health care service providers for the health care services or treatment at issue in satisfaction of their bills. Any party determined by admission or by verdict to be liable to another for the cost of reasonable and necessary health expenses may, no later than ten days after the jury returns its verdict, file a motion to reduce damages in accordance with this subsection. After a hearing and consideration of evidence, the court shall reduce an award by any amount of damages that it determines exceeds the usual and customary charges applied for the medical care and treatment received by the party seeking such damages.

30 **SECTION 2.**
31 All laws and parts of laws in conflict with this Act are repealed.

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