

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1653

BY: KEY

AS INTRODUCED

AN ACT RELATING TO DAMAGES; ESTABLISHING THE DAMAGE  
AWARD LIMITATIONS ACT; PROVIDING SHORT TITLE;  
DEFINING TERMS; PROVIDING FOR THE ADMISSIBILITY OF  
CERTAIN EVIDENCE; PROVIDING FOR CODIFICATION; AND  
PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 105 of Title 23, unless there is  
created a duplication in numbering, reads as follows:

Sections 1 through 3 of this act shall be known and may be cited  
as the "Damage Awards Limitations Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 106 of Title 23, unless there is  
created a duplication in numbering, reads as follows:

As used in the Damage Awards Limitation Act:

1. "Claimant" means any person who brings a personal injury  
action in their own behalf or in behalf of another as authorized by  
law.

2. "Collateral source" means a benefit paid or payable to a  
claimant or on behalf of a claimant pursuant to:

a. the United States Social Security Act,

- b. any state or federal law designed to provide partial or full wage or income replacement,
- c. any insurance policy except a life insurance policy,
- d. any agreement which provides for the payment or reimbursement of health care costs or which provides similar benefits, or
- e. any contractual or wage continuation plan intended to provide wages during a period of disability.

3. "Collateral source damages" means an economic loss paid or payable by a collateral source for wage loss, health care costs, rehabilitation costs, and other out-of-pocket costs incurred by or on behalf of the injured party for which a claimant is seeking recovery pursuant to a tort action.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 107 of Title 23, unless there is created a duplication in numbering, reads as follows:

In all tort actions the trial court shall allow the admission into evidence of proof of all collateral source payments which have been made or which are certain to be made to a claimant or on behalf of a claimant as compensation for the damages sought in the civil action.

In all tort actions the trial court shall allow the admission into evidence of proof of premiums personally paid by the claimant or on behalf of the claimant to obtain any collateral source payments.

The trier of fact shall be informed of the state and federal income tax effects on the claimant in all damage awards.

SECTION 4. This act shall become effective September 1, 1991.

43-1-5935 SD