

**2013 DRAFTING REQUEST**

**Bill**

Received: 2/5/2013 Received By: phurley  
Wanted: As time permits Same as LRB:  
For: Paul Farrow (608) 266-9174 By/Representing:  
May Contact: Drafter: phurley  
Subject: Courts - evidence Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Farrow@legis.wisconsin.gov  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Collateral source rule changes

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**Instructions:**

same as Rep. Jacques' request

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 2/5/2013	kfollett 2/5/2013	phenry 2/6/2013	_____			
/1				_____	mbarman 2/6/2013	mbarman 2/13/2013	

FE Sent For:

<END>

Not Needed

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/?	phurley	1/15 f 2/5	7/6 ph	_____	_____	_____	_____

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<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1512/1

PJH:kjfjf

1512/1  
KMR

2013 BILL

2-5-13

Regen

1512/1

1 AN ACT *to amend* 908.03 (6m) (bm); and *to create* 901.057 of the statutes;  
2 **relating to:** collateral source payments.

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***Analysis by the Legislative Reference Bureau***

Under current law, as a general rule in a personal injury case, evidence may not be admitted regarding payments made to compensate a person for injury from persons other than the defendant (collateral source payments). Current law makes an exception and allows evidence of collateral source payments to be admitted for medical malpractice cases and cases involving a personal injury sustained as the result of negligence by a long-term care provider. A separate provision prohibits the admission of evidence of collateral source payments for the purpose of rebutting the presumption that billing statements and invoices that are patient health care records state the reasonable value of the health care services provided to an injured person in all other matters.

The bill allows, for the purpose of determining the reasonable value of any type of personal injury claim or of any action seeking payment for uninsured or underinsured motorist coverage, including the reasonable medical expenses involved in those claims, the fact finder to consider evidence of collateral source payments and evidence of the injured person's obligations of subrogation or reimbursement resulting from those collateral source payments. Under the bill, evidence of amounts paid or incurred by the claimant in recovering a collateral source payment is not admissible. The bill allows the admission of evidence of collateral source payments for the purpose of rebutting the presumption that billing

**BILL**

statements and invoices that are patient health care records state the reasonable value of the health care services provided to the injured person.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 901.057 of the statutes is created<sup>✓</sup> to read:

2           **901.057 Collateral source payments and rights of subrogation.** In  
3 actions for damages caused by personal injury or wrongful death that are not subject  
4 to s. 893.55 (7) or 893.555 (8), or seeking payment based on uninsured or  
5 underinsured motorists coverage, evidence of any compensation for bodily injury  
6 received from a source other than the defendant to compensate the claimant for the  
7 injury or to pay for medical expenses incurred by the claimant is admissible for the  
8 purpose of determining the reasonable value of the claim, including the reasonable  
9 value of the injured person's medical expenses. Evidence of the claimant's  
10 obligations of subrogation or reimbursement resulting from payments made by a  
11 source other than the defendant to compensate the claimant for injury is admissible.  
12 Evidence of amounts paid or incurred by the claimant in recovering a payment from  
13 a source other than the defendant is not admissible. Admission of evidence under  
14 this section does not limit the substantive or procedural rights of persons who have  
15 claims based upon subrogation or lien.

16           **SECTION 2.** 908.03 (6m) (bm) of the statutes is amended<sup>✓</sup> to read:

17           **908.03 (6m) (bm) Presumption.** Billing statements or invoices that are patient  
18 health care records are presumed to state the reasonable value of the health care  
19 services provided and the health care services provided are presumed to be  
20 reasonable and necessary to the care of the patient. Any party attempting to rebut

**BILL**

1 the presumption of the reasonable value of the health care services provided may not  
2 present evidence of payments made or benefits conferred by collateral sources.

3 **SECTION 3. Initial applicability.**

4 (1) This act first applies to actions filed on the effective date of this subsection.

5 (END)

**Barman, Mike**

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**From:**                   Lundgren, Douglas  
**Sent:**                    Wednesday, February 13, 2013 8:06 AM  
**To:**                      LRB.Legal  
**Subject:**               Draft Review: LRB -1512/1 Topic: Collateral source rule changes

Please Jacket LRB -1512/1 for the SENATE.