

Senate Bill 155

By: Senators Cowser of the 46th, Gooch of the 51st, Wilkinson of the 50th, Tippins of the 37th, Watson of the 1st and others

A BILL TO BE ENTITLED  
AN ACT

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

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

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

10 "51-12-1.1.

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

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

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

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

27 (c) The gross amounts of a claimant's medical bills are inadmissible as evidence of  
28 damages where such gross amounts are not reflective of the actual amounts paid or that  
29 remain actually owed to satisfy those bills."

30

**SECTION 2.**

31 All laws and parts of laws in conflict with this Act are repealed.