

The Senate Committee on Health and Human Services offered the following substitute to HB 539:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the
2 "Georgia Civil Practice Act," so as to provide for separate trials for issues of liability and
3 damages in actions for medical malpractice; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Georgia
8 Civil Practice Act," is amended by revising Code Section 9-11-42, relating to consolidation
9 and severance, as follows:

10 "9-11-42.

11 (a) **Consolidation.** When actions involving a common question of law or fact are pending
12 before the court, if the parties consent, the court may order a joint hearing or trial of any
13 or all the matters in issue in the actions; it may order all the actions consolidated; and it
14 may make such orders concerning proceedings therein as may tend to avoid unnecessary
15 costs or delay.

16 (b) **Separate trials.**

17 (1) The court, in furtherance of convenience or to avoid prejudice, may order a separate
18 trial of any claim, cross-claim, counterclaim, or third-party claim, or of any separate
19 issue, or of any number of claims, cross-claims, counterclaims, third-party claims, or
20 issues; and

21 (2) Upon motion of any party in an action for medical malpractice, as defined in Code
22 Section 9-3-70, the court shall order separate trials for the issue of liability and the issue
23 of damages, unless the court for good cause shown orders a single trial. Evidence
24 relating solely to compensatory damages shall not be admissible until the trier of fact has
25 determined that the defendant is liable. The same trier of fact that tries the issues relating
26 to liability shall try the issues relating to damages."

27

SECTION 2.

28 All laws and parts of laws in conflict with this Act are repealed.