

House Bill 583

In The House

January 30, 1981

Introduced and referred
to Committee on Judiciary.

February 12, 1981

Committee recommend bill
do not pass.

1 HOUSE BILL NO. 583
2 INTRODUCTION BY BURNETT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR OFFSET OF
5 DAMAGES IN A PERSONAL INJURY OR WRONGFUL DEATH ACTION BY THE
6 AMOUNT OF BENEFITS PAID OR PAYABLE FROM CERTAIN COLLATERAL
7 SOURCES."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Damages offset by benefits from certain
11 collateral sources. (1) In an action for damages for
12 personal injury or wrongful death, damages shall be offset
13 by the amount of benefits paid or by the present value of
14 benefits payable by reason of such injury or death from or
15 under the following collateral sources:

16 (a) any state or federal government benefit program,
17 except the U.S. Social Security Act, as amended;

18 (b) workers' compensation;

19 (c) any private or governmental employee group
20 insurance or benefit plan to which no contribution is made
21 by the employee; or

22 (d) gratuities that the claimant in such action has no
23 obligation to repay.

24 (2) Unless expressly provided by state or federal
25 statute, no collateral source described in subsection (1)

1 may be subrogated to the rights of a claimant for damages
2 for personal injury or wrongful death. Whenever such express
3 statutory right of subrogation exists in any such collateral
4 source with respect to a claim, subsection (1) does not
5 apply with regard to that collateral source.

6 Section 2. Application to comparative negligence
7 actions. Whenever the comparative negligence of the parties
8 is an issue in the action, the offset provided in [section
9 1] shall be applied to the total amount of the damages
10 sustained by the claimant.

-End-

-2- INTRODUCED BILL
HB 583