

SB 278 – AS INTRODUCED

2012 SESSION

12-3006

09/01

SENATE BILL **278**

AN ACT limiting the recovery of health care expenses in personal injury actions and removing “probable duration of life but for the injury” as an element that may be considered in determining damages in a wrongful death action.

SPONSORS: Sen. Morse, Dist 22; Sen. Bradley, Dist 3; Rep. Bettencourt, Rock 4

COMMITTEE: Judiciary

ANALYSIS

This bill limits the recovery of health care expenses in personal injury actions and removes “probable duration of life but for the injury” as an element that may be considered in determining damages in a wrongful death action.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT limiting the recovery of health care expenses in personal injury actions and removing “probable duration of life but for the injury” as an element that may be considered in determining damages in a wrongful death action.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Recovery of Medical Expenses in Personal Injury Actions. Amend RSA 508 by
2 inserting after section 4-g the following new section:

3 508:4-h Recovery of Medical Expenses. In actions for personal injury, the recovery of medical or
4 health care expenses shall, in addition to any other limitation under law, be limited to the amounts
5 actually paid by or on behalf of the plaintiff, or amounts which remain unpaid and for which the
6 plaintiff or a third party is legally obligated to pay. Evidence of such expenses shall be limited
7 accordingly.

8 2 Wrongful Death; Damages. Amend RSA 556:12, I to read as follows:

9 I. If the administrator of the deceased party is plaintiff, and the death of such party was
10 caused by the injury complained of in the action, the mental and physical pain suffered by the
11 deceased in consequence of the injury, the reasonable expenses occasioned to the estate by the injury,
12 [~~the probable duration of life but for the injury,~~] and the capacity to earn money during the deceased
13 party's probable working life, may be considered as elements of damage [~~in connection with other~~
14 ~~elements allowed by law, in the same manner as if the deceased had survived~~].

15 3 Effective Date. This act shall take effect January 1, 2013.