



COMMITTEE ON STATE COURTS OF SUPERIOR JURISDICTION

**A.4354
S.1544**

**M. of A. Weisenberg
Senator Volker**

AN ACT to amend the civil practice law and rules, in relation to equalizing the treatment of collateral sources in tort actions, to repeal subdivisions (a) and (b) of *section 4545* of such law and rules relating to collateral sources in certain tort actions and to repeal subdivisions (d) and (e) of rule 4111 of such law and rules relating to itemized verdicts in certain tort actions.

THIS BILL IS APPROVED

The committee supports A.3483/S.622, which amends section 4545 of the CPLR to eliminate the favorable exception to the collateral source rule for plaintiffs who are public employees, which was created by a Court of Appeals decision as a result of legislative oversight. Although the statute was amended in 1986 to provide a deduction for past and future disability pension benefits in all personal injury actions, the Legislature neglected to repeal the pre-existing provision that gave public employers an offset only for past disability pension benefits. As a result, public employees now receive double compensation for future economic loss at a substantial cost to the public. The amendment restores the balance and the intention of the 1986 amendment that all plaintiffs be treated equally by providing for the reduction of judgments if a plaintiff will receive payments from a collateral source. It is only fair that all plaintiffs, regardless of who their employer is, be treated equally and not receive a windfall solely because the defendant is a public entity.