

1 AN ACT relating to recovery of medical costs in tort actions.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 411.182 is amended to read as follows:

- 4 (1) In all tort actions, including products liability actions, involving fault of more than  
5 one (1) party to the action, including third-party defendants and persons who have  
6 been released under subsection (4) of this section, the court, unless otherwise agreed  
7 by all parties, shall instruct the jury to answer interrogatories or, if there is no jury,  
8 shall make findings indicating:
- 9 (a) The amount of damages each claimant would be entitled to recover if  
10 contributory fault is disregarded; and
- 11 (b) The percentage of the total fault of all the parties to each claim that is  
12 allocated to each claimant, defendant, third-party defendant, and person who  
13 has been released from liability under subsection (4) of this section.
- 14 (2) In determining the percentages of fault, the trier of fact shall consider both the  
15 nature of the conduct of each party at fault and the extent of the causal relation  
16 between the conduct and the damages claimed.
- 17 (3) The court shall determine the award of damages to each claimant in accordance  
18 with the findings, subject to any reduction under subsection (4) ***and (5)*** of this  
19 section, and shall determine and state in the judgment each party's equitable share of  
20 the obligation to each claimant in accordance with the respective percentages of  
21 fault.
- 22 (4) A release, covenant not to sue, or similar agreement entered into by a claimant and a  
23 person liable, shall discharge that person from all liability for contribution, but it  
24 shall not be considered to discharge any other persons liable upon the same claim  
25 unless it so provides. However, the claim of the releasing person against other  
26 persons shall be reduced by the amount of the released persons' equitable share of  
27 the obligation, determined in accordance with the provisions of this section.

1 (5) A claim for medical or health care expenses shall be calculated to equal the  
2 amounts owed to a claimant's health care providers less any contractual  
3 adjustments required by the claimant's health care payer, adjustments made by  
4 the health care provider, or adjustments required by federal or state law.