GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2005**

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HOUSE BILL 2060* Senate Judiciary II Committee Substitute Adopted 7/11/06

for expenses related to funeral, cremation, and burial, including transportation of a body, but excluding expenses for flowers, gravestone, and other items not directly related to the funeral service. Allowable expense for medical care, counseling, rehabilitation, medically-related property, and other remedial treatment and care of a victim shall be limited to sixty-six and two-thirds percent (66 2/3%) of the amount usually charged by the provider for the treatment or care. By accepting the compensation paid as allowable expense pursuant to this subdivision, the provider agrees that the compensation is payment in full for the treatment or care and shall not charge or otherwise hold a claimant financially responsible for the cost of services in addition to the amount of allowable expense." SECTION 2. G.S. 15B-2(3) reads as rewritten:	Short Title: Victims' Compensation Changes.	(Public)
A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO MAKE OTHER CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION. The General Assembly of North Carolina enacts: SECTION 1. G.S. 15B-2(1) reads as rewritten: "(1) "Allowable expense" means reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, medically-related property, and other remedial treatment and care. Allowable expense includes a total charge not in excess of three thousand five hundred dollars (\$3,500)-five thousand dollars (\$5,000) for expenses related to funeral, cremation, and burial, including transportation of a body, but excluding expenses for flowers, gravestone, and other items not directly related to the funeral service. Allowable expense for medical care, counseling, rehabilitation, medically-related property, and other remedial treatment and care of a victim shall be limited to sixty-six and two-thirds percent (66 2/3%) of the amount usually charged by the provider for the treatment or care. By accepting the compensation paid as allowable expense pursuant to this subdivision, the provider agrees that the compensation is payment in full for the treatment or care and shall not charge or otherwise hold a claimant financially responsible for the cost of services in addition to the amount of allowable expense." SECTION 2. G.S. 15B-2(3) reads as rewritten:	Sponsors:	
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(1) Collateral Solirce means a solirce of benefits or advantages for	SECTION 2. G.S. 15B-2(3) reads as rewritten: "(3) "Collateral source" means a source of benefits of	or advantages for

economic loss otherwise compensable that the victim or claimant has

1	recei	ved or that is readily available to him-the victim or the claimant	
2	from any of the following sources:		
3	a.	The offender; offender.	
4	b.	The government of the United States or any of its agencies, a	
5		state or any of its political subdivisions, or an instrumentality of	
6		two or more states; states.	
7	c.	Social security, medicare, and medicaid; Security, Medicare, or	
8		Medicaid.	
9	d.	State-required, temporary, nonoccupational disability	
10		insurance; insurance.	
11	e.	Worker's compensation; compensation.	
12	f.	Wage continuation programs of any employer; employer.	
13	g.	Proceeds of a contract of insurance payable to the victim for	
14		loss that he the victim sustained because of the criminally	
15		injurious conduct; conduct.	
16	h.	A contract providing prepaid hospital and other health care	
17		services, or benefits for disability.	
18	<u>i.</u>	A contract of insurance that will pay for expenses directly	
19		related to a funeral, cremation, and burial, including	
20		transportation of a body."	
21		3. G.S. 15B-4(a) reads as rewritten:	
22	_	the limitations in G.S. 15B-22, compensation for criminally	
23	3	l be awarded to a claimant if substantial evidence establishes that	
24	the requirements for an award have been met. Compensation shall only be paid for		
25		ot for noneconomic loss.detriment. The Commission shall follow	
26	•	oplicable to civil tort law in North Carolina."	
27		4. G.S. 15B-11(c) reads as rewritten:	
28		ay be denied, an award of compensation may be reduced, and a	
29	•	been decided may be reconsidered upon finding that the claimant	
30		good cause, has not fully cooperated with appropriate law	
31		s or in the prosecution of criminal cases with regard to the	
32	• •	onduct that is the basis for the award."	
33		5. G.S. 15B-11(d) reads as rewritten:	
34		ing a decision to approve an award of compensation, but before	
35	· -	nt, the Director shall require the claimant to submit current	
36		ateral sources on forms prescribed by the Commission.	
37	An award that ha	s been approved shall nevertheless be denied or reduced to the	

An award that has been approved shall nevertheless be denied or reduced to the extent that the economic loss upon which the claim is based is or will be recouped from a collateral source. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source. If it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the

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6 7 amount of expected recoupment that it is determined the claimant will not receive from the collateral source, subject to the limitations set forth in subsections (f) and (g). The existence of a collateral source that would pay expenses directly related to a funeral, cremation, and burial, including transportation of a body, shall not constitute grounds for the denial or reduction of an award of compensation."

SECTION 6. This act becomes effective July 1, 2006, and applies to claims filed on or after that date.