

House Bill 1653

By: Representative Lim of the 99<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 12 of Title 51 of the Official Code of Georgia Annotated,  
2 relating to general provisions for tort damages, so as to prohibit the calculation of damages  
3 based on actuarial calculations made on the basis of race or sex; to repeal conflicting laws;  
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 12 of Title 51 of the Official Code of Georgia Annotated, relating to  
8 general provisions for tort damages, is amended by revising Code Section 51-12-1, relating  
9 to types of damages and evidence admissible in actions involving special damages, as  
10 follows:

11 "51-12-1.

12 (a) Damages may be either general or special, direct or consequential.

13 (b) In any civil action, whether in tort or in contract, for the recovery of damages arising  
14 from a tortious injury in which special damages are sought to be recovered or evidence of  
15 same is otherwise introduced by the plaintiff, evidence of all compensation, indemnity,  
16 insurance (other than life insurance), wage loss replacement, income replacement, or

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17 disability benefits or payments available to the injured party from any and all governmental  
18 or private sources and the cost of providing and the extent of such available benefits or  
19 payments shall be admissible for consideration by the trier of fact. The trier of fact, in its  
20 discretion, may consider such available benefits or payments and the cost thereof but shall  
21 not be directed to reduce an award of damages accordingly. After July 1, 2022, the  
22 calculation of damages shall not be based on any actuarial calculations made on the basis  
23 of race or sex."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.