

CHAPTER 75

AN ACT

To provide liens for hospitals and nurses for services rendered in personal injury cases; limitation; notice and form of lien; recording; effect of settlement of damages; enforcement of lien; and providing for an effective date.

(C.S.S.B. 25)

Be it enacted by the Legislature of the State of Alaska:

in securing a settlement, compromise or judgment.

Section 1. Lien Established. (1) Every operator of a hospital within the state and every duly licensed special nurse therein who has rendered service to any person who has received a traumatic injury shall have a lien upon any sum awarded the injured person or his personal representative by judgment or obtained by a settlement or compromise to the extent of the amount due the hospital or nurse for the reasonable value of such service rendered prior to the date of judgment, settlement or compromise, together with such costs and reasonable attorney's fees as the court may allow, incurred in the enforcement of such lien; provided that nothing in this Act shall apply to any claim, right or action or money accruing under the Workmen's Compensation Act of the State of Alaska.

Sec. 3. Notice of Lien. In order to perfect the lien described in this Act, the hospital or the owner or operator thereof, or the licensed special nurse, shall, not later than 20 days after the date of said injury, or in no event later than 15 days after the discharge of the injured person, from the hospital, file a notice of lien substantially in the form prescribed in this Act, containing an itemized statement of the amount claimed, with the recording officer of the precinct, district or borough wherein the injury was suffered, and shall, after the said 20 day period, prior to the date of judgment, settlement or compromise, serve a certified copy of the notice of lien by registered mail, at his or her last known address, upon the person alleged to be responsible for causing the injury and from whom damages are claimed, and upon his insurance carrier which has insured against such liability, if such insurance carrier is known.

(2) When the person receiving hospitalization has a contract providing for indemnity or compensation for the sum incurred for such hospitalization, the hospital shall have a lien upon the amount payable under such contract. The party obligated to make reimbursement under the contract may pay the sum due thereunder directly to the hospital, and such payment shall constitute a full release of the party making the payment under such contract to the amount of the payment.

Sec. 4. Form of Notice. The form of notice required by this Act shall be substantially as follows:

Sec. 2. Limitation on Extent of Lien. Except as otherwise provided, no lien under this Act shall be allowed for hospitalization or the services of a licensed special nurse rendered after a settlement has been effected by or on behalf of the party causing the injury unless such settlement has been effected within 20 days from the date of the injury. No lien shall be allowed against any sum for necessary attorney fees, costs and expenses incurred by the injured party

NOTICE is hereby given that has rendered services for hospitalization, (or special nurses' services) for, a person who was injured on the day of at in the State or Alaska, and the (claimant) hereby claims a lien upon any money due or owing or any claim for compensation, damages, contribution, settlement or judgment from alleged to have caused said injuries and any other person, firm or corporation liable for the injury or obligated to compensate the injured person on account of said injuries. The hospitalization (or special nurses' services) was rendered to the injured per-

son between the day of
..... and

(Itemized Statement)

.....
and that 15 days have not elapsed since that time; that the claimant's demands for said care and service is in the sum of \$..... and that no part thereof has been paid, except \$....., and that there is now due and owing and remaining unpaid thereof, after deducting all credits and offsets, the sum of \$....., in which amount lien is hereby claimed.

United States of America)
State of Alaska) ss.
(Precinct or Borough))

I, being first duly sworn on oath say: That I am named in the foregoing claim of lien; that I have read the same and know the contents thereof and believe the same to be true.

Subscribed and sworn to before me this day of, 19.....

.....
Notary Public for Alaska

Sec. 5. **Lien Docket.** Each recording officer shall maintain a hospital and nurses' lien docket in which, upon filing of a notice of lien, he shall enter the name of the injured person, the approximate date of the injury, the name and address of the hospital or nurse filing the notice and the amount claimed; and he shall make an index thereto in the name of the injured person. Notwithstanding any other section of this Act, the docketing of said lien shall be sufficient notice to any tort feisor or his insurer.

Sec. 6. **Settlement After Notice.** Any person or insurer, who after receipt of the certified copy of notice of lien, or who, after the recording of such lien as aforesaid, shall make any payment to the injured person, his heirs, personal representatives or the attorney of any of them, as compensation for the injury suffered, without paying the hospital or the licensed special nurse for the reasonable value of the services rendered the injured person and claimed in the notice of lien or so much thereof as can be satisfied out of any judgment, settlement or compromise, after paying the attorney fees, costs and expenses incurred in connection therewith, shall for a period of 180 days after the date of such payment, be liable to the hospital, or nurse, for the amount which such hospital, or nurse, was entitled to receive. The hospital, or nurse, shall, within such period, have a cause of action against the person or insurer making any such payment, which may be prosecuted in any court of competent jurisdiction in the State of Alaska, within the district wherein notice of lien has been filed.

Sec. 7. **Enforcement of Lien.** Any lien provided for in this Act may be foreclosed or enforced by a suit at law brought by the claimant, his representative or assignee within one year after the filing of such lien. In any suit brought pursuant to the provisions of this Act, upon entering a decree for the plaintiff, the court shall allow as part of the costs, all moneys paid for the filing and recording of said lien notice, together with a reasonable attorney's fee.

Sec. 8. **Effective Date.** This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved April 13, 1959

CHAPTER 76

AN ACT

To protect blind pedestrians on public streets and highways; restricting the use of certain colored canes by other pedestrians; and providing for penalties for violations; repealing Chap. 9, SLA 1953.