

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 25

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to provide liens for hospitals and  
7 nurses for services rendered in personal  
8 injury cases; limitation; notice and form of  
9 lien; recording; effect of settlement of  
10 damages; enforcement of lien; and providing  
11 for an effective date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 Section 1. LIEN ESTABLISHED. (1) Every operator of a hos-  
14 pital within the state and every duly licensed nurse therein who  
15 has rendered service to any person who has received a traumatic  
16 injury shall have a lien upon any sum awarded the injured person  
17 or his personal representative by judgment or obtained by a  
18 settlement or compromise to the extent of the amount due the hos-  
19 pital or nurse for the reasonable value of such service rendered  
20 prior to the date of judgment, settlement or compromise, together  
21 with such costs and reasonable attorney's fees as the court may  
22 allow, incurred in the enforcement of such lien; provided that  
23 nothing in this Act shall apply to any claim, right or action or  
24 money accruing under the Workmen's Compensation Act of the State  
25 of Alaska.

26 (2) When the person receiving hospitalization has a  
27 contract providing for indemnity or compensation for the sum in-  
28 curred for such hospitalization, the hospital shall have a lien  
29 upon the amount payable under such contract. The party obligated

1 to make reimbursement under the contract may pay the sum due there-  
2 under directly to the hospital, and such payment shall constitute  
3 a full release of the party making the payment under such contract  
4 to the amount of the payment.

5 Sec. 2. LIMITATION ON EXTENT OF LIEN. Except as otherwise  
6 provided, no lien under this Act shall be allowed for hospitaliza-  
7 tion or the services of a licensed special nurse rendered after a  
8 settlement has been effected by or on behalf of the party causing  
9 the injury unless such settlement has been effected within 20 days  
10 from the date of the injury. No lien shall be allowed against any  
11 sum for necessary attorney fees, costs and expenses incurred by  
12 the injured party in securing a settlement, compromise or judg-  
13 ment.

14 Sec. 3. NOTICE OF LIEN. In order to perfect the lien des-  
15 cribed in this Act, the hospital or the owner or operator thereof,  
16 or the licensed, special nurse, shall, not later than 20 days  
17 after the date of said injury, or in no event later than 15 days  
18 after the discharge of the injured person, for the hospital, file  
19 a notice of lien substantially in the form prescribed in this Act,  
20 containing an itemized statement of the amount claimed, with the  
21 recording officer of the precinct, district or borough wherein the  
22 injury was suffered, and shall, after the said 20 day period, prior  
23 to the date of judgment, settlement or compromise, serve a certi-  
24 fied copy of the notice of lien by registered mail, at his or her  
25 last known address, upon the person alleged to be responsible for  
26 causing the injury and from whom damages are claimed, and upon his  
27 insurance carrier which has insured against such liability, if  
28 such insurance carrier is known.

29 Sec. 4. FORM OF NOTICE. The form of notice required by this

1 Act shall be substantially as follows:

2 NOTICE is hereby given that \_\_\_\_\_ has  
3 rendered services for hospitalization, (or special nurses'  
4 services) for \_\_\_\_\_, a person who was injured  
5 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the  
6 State of Alaska, and the \_\_\_\_\_ (claimant) hereby  
7 claims a lien upon any money due or owing or any claim for  
8 compensation, damages, contribution, settlement or judgment  
9 from \_\_\_\_\_ alleged to have caused said  
10 injuries and any other person, firm or corporation liable for  
11 the injury or obligation to compensate the injured person on  
12 account of said injuries. The hospitalization (or special  
13 nurses' services) was rendered to the injured person between  
14 the \_\_\_\_\_ day of \_\_\_\_\_ and \_\_\_\_\_:

15 \_\_\_\_\_  
(Itemized Statement)

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

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,

1 which may be prosecuted in any court of competent jurisdiction in  
2 the State of Alaska, within the district wherein notice of lien  
3 has been filed.

4       Sec. 7. ENFORCEMENT OF LIEN. Any lien provided for in this  
5 Act may be foreclosed or enforced by a suit at law brought by the  
6 claimant, his representative or assignee within one year after  
7 the filing of such lien. In any suit brought pursuant to the pro-  
8 visions of this Act, upon entering a decree for the plaintiff,  
9 the court shall allow as part of the costs, all moneys paid for  
10 the filing and recording of said lien notice, together with a  
11 reasonable attorney's fee.

12       Sec. 8. EFFECTIVE DATE. This Act shall take effect  
13 immediately upon its passage and approval or upon its becoming law  
14 without such approval.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29