CHAPTER NO. 532.

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HOUSE BILL NO. 783

INTRODUCED BY LORY, RAMIREZ

IN THE HOUSE

February 13, 1979		Introduced and referred to Committee on Judiciary.
February 19, 1979		Committee recommend bill do pass. Report adopted.
February 21, 1979		Second reading, do pass.
February 22, 1979		Considered correctly engrossed.
		Third reading, passed. Transmitted to second house.
	IN THE SEN	ATE
February 23, 1979		Introduced and referred to Committee on Judiciary.
March 14, 1979		Committee recommend bill be concurred in as amended. Report adopted.
March 16, 1979		Second reading, concurred in.
March 19, 1979		Third reading, concurred in as amended.
	IN THE HOU	SE
March 20, 1979		Returned from second house. Concurred in as amended.
March 21, 1979		On motion consideration passed until the 71st Legislative Day.
March 30, 1979		Second reading, amendments adopted.

March 31, 1979

Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

LC 1217/01

HOUSE BILL NO. 183 1 INTRODUCED BY Jorg & MIAG21 2 3 A BTIL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE LIENS FOR PHYSICIANS, NURSES, AND HOSPITALS FOR SERVICES RENDERED: 5 REPEALING SECTIONS 71-3-1101 THROUGH 71-3-1105. MCA." 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 Section 1. Short title. [This act] may be cited as the 9 10 "Physician, Nurse, and Hospital Lien Act of 1979". Section 2. Purpose. The purpose of [this act] is to 11 12 establish lien rights for physicians, nurses, and hospitals when a person receiving medical treatment: 13 (1) is injured through the fault or neglect of 14 15 another; or (2) is insured. 16 Section 3. Definitions. As used in [this act], the 17 following definitions apply: 18 (1) "Beneficiary" means a person entitled to insurance 19 20 benefits. (2) "Insurance" means a contract whereby a persone the 21 insurer, undertakes to indemnify another, the insured, or 22 pay or provide a determinable amount or benefit upon 23 24 determinable contingencies. 25 (3) "Person" means an individual, a corporation, an

1 organization. or other legal entity.

Section 4. Liens of physicians, nurses, and hospitals.
(1) Whenever a physician, nurse, or hospital renders
services to a person injured through the fault or neglect of
another, the physician, nurse, or hospital, upon giving the
required notice of lien, has a lien for the value of
services rendered on:
any claim or cause of action the injured person,

9 his estate, or successors may have for injury, disease, or
 10 death;

(b) any judgment the injured person. his estate. or
 successors may obtain for injury. disease. or death; and

13 (c) all money paid in satisfaction of such judgment or
 14 in settlement of the claim or cause of action.

15 (2) If a person is an insured or a beneficiary under 16 insurance which provides coverage in the event of injury or 17 disease, a physician, nurse, or hospital, upon giving the 18 required notice of lien, has a lien for the value of 19 services rendered on all proceeds or payments, except 20 payments for property damage, payable by the insurer.

21 (3) The amount of the lien may not exceed the
22 provisions of the schedule of fees adopted by the Montana
23 state medical association.

24 (4) The lien is subject to the lien of an attorney25 provided in 37-61-420.

-2-

HE 752 INTRODUCED BILL

LC 1217/01

Section 5. Notice of lien. (1) A physician, nurse, or
 hospital claiming a lien shall serve written notice upon the
 person and upon his insurer, if any, against whom liability
 for injury, disease, or death is asserted, stating the
 nature of the services, for whom and when rendered, the
 value of the services, and that a lien is claimed.

7 (2) A physician, nurse, or hospital claiming a lien
8 upon proceeds or payments payable by an insurer shall serve
9 written notice upon the insurer against whom the lien is
10 asserted, stating the nature of the services, for whom and
11 when rendered, the value of the services, and that a lien is
12 claimed.

13 Section 6. Notice of lien -- filing with clerk of 14 court. If an action is commenced for recovery for injury. 15 disease. or death. a copy of the notice of lien may be filed 16 in the office of the clerk of court in which the action is 17 pending. and the filing is notice to all parties to the 18 action.

Section 7. Liability for failure to recognize lien. If any insurer or person, after receiving notice of lien, makes payment on account of injury, disease, or death and the amount of the lien claimed by any physician, nurse, or hospital has not been paid, the insurer or person is liable to the physician, nurse, or hospital for the reasonable value of the services. Section 8. When law not applicable. [This act] does
 not apply to any injury. disease. or death for which
 compensation is awarded pursuant to the Workers?
 Compensation Act or the Occupational Disease Act of Montana.
 Section 9. Repealer. Sections 71-3-1101 through
 6 71-3-1105. MCA, are repealed.

-End-

INTRODUCED BY 1 2 3 A BILL FOR AN ACT ENTITLED: PAN ACT TO PROVIDE LIENS FOR 4 PHYSICIANS, NURSES, AND HOSPITALS FOR SERVICES RENDERED: 5 REPEALING SECTIONS 71-3-1101 THROUGH 71-3-1105. HCA." 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 Section 1. Short title. [This act] may be cited as the 9 "Physician, Nurse, and Hospital Lien Act of 1979". 10 Section 2. Purpose. The purpose of [this act] is to 11 establish lien rights for physicians, nurses, and hospitals 12 when a person receiving medical treatment: 13 (1) is injured through the fault or neglect of 14 15 another; or 16 (2) is insured. Section 3. Definitions. As used in [this act], the 17 18 following definitions apply: 19 (1) "Beneficiary" means a person entitled to insurance 20 benefits. (2) "Insurance" means a contract whereby a person, the 21 insurer, undertakes to indemnify another, the insured, or 22 pay or provide a determinable amount or benefit upon 23 determinable contingencies. 24 25 (3) "Person" means an individual, a corporation, an

1 organization, or other legal entity. 2 Section 4. Liens of physicians, nurses, and hospitals. 3 (1) Whenever a physician, nurse, or hospital renders services to a person injured through the fault or neglect of 4 5 another, the physician, nurse, or hospital, upon giving the required notice of lien, has a lien for the value of 6 7 services rendered on: (a) any claim or cause of action the injured person-R 9 his estate, or successors way have for injury, disease, or 10 death: (b) any judgment the injured person, his estate, or 11 12 successors may obtain for injury, disease, or death; and 13 (c) all money paid in satisfaction of such judgment or 14 in settlement of the claim or cause of action. (2) If a person is an insured or a beneficiary under

15 16 insurance which provides coverage in the event of injury or 17 disease, a physician, nurse, or hospital, upon giving the required notice of lien, has a lien for the value of 18 19 services rendered on all proceeds or payments, except 20 payments for property damage, payable by the insurer. 21 (3) The amount of the lien may not exceed the 22 provisions of the schedule of fees adopted by the Montana 23 state medical association.

24 (4) The lien is subject to the lien of an attorney

25 provided in 37-61-420.

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-2- THIRD READING

LC 1217/01

Section 5. Notice of lien. (1) A physician. nurse, or hospital claiming a lien shall serve written notice upon the person and upon his insurer. if any, against whom liability for injury. disease, or death is asserted, stating the nature of the services, for whom and when rendered, the value of the services, and that a lien is claimed.

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7 (2) A physician, nurse, or hospital claiming a lien 8 upon proceeds or payments payable by an insurer shall serve 9 written notice upon the insurer against whom the lien is 10 asserted, stating the nature of the services, for whom and 11 when rendered, the value of the services, and that a lien is 12 claimed.

13 Section 6. Notice of lien -- filing with clerk of 14 court. If an action is commenced for recovery for injury. 15 disease, or death, a copy of the notice of lien may be filed 16 in the office of the clerk of court in which the action is 17 pending, and the filing is notice to all parties to the 18 action.

19 Section 7. Liability for failure to recognize lien. If 20 any insurer or persons after receiving notice of liens makes 21 payment on account of injurys diseases or death and the 22 amount of the lien claimed by any physicians nurses or 23 hospital has not been paids the insurer or person is liable 24 to the physician, nurses or hospital for the reasonable 25 value of the services. Section 8. When law not applicable. [This act] does
 not apply to any injury. disease. or death for which
 compensation is awarded pursuant to the Workers¹
 Compensation Act or the Occupational Disease Act of Montana.
 Section 9. Repeater. Sections 71-3-1101 through
 71-3-1105. MCA, are repealed.

-End-

-3-

HB 0783/02

HOUSE BILL NO. 783 1 1 organization, or other legal entity. 2 INTRODUCED BY LORY, RAMIREZ Section 4. Liens of physicians, nurses, and hospitals. 2 3 ٦ (1) whenever a physician, nurse, or hospital renders A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE LIENS FOR 4 4 services to a person injured through the fault or neglect of 5 PHYSICIANS, NURSES, AND HOSPITALS FOR SERVICES RENDERED; 5 another, the physician, nurse, or hospital, upon giving the 6 REPEALING SECTIONS 71-3-1101 THROUGH 71-3-1105, MCA." required notice of lign, has a lign for the value of 6 1 7 services rendered on: BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 (a) any claim or cause of action the injured person. R Section 1. Short title. [This act] may be cited as the his estate, or successors may have for injury, disease, or 9 9 "Physician, Nurse, and Hospital Lien Act of 1979". death; 10 10 Section 2. Purpose. The purpose of [this act] is to 11 11 (b) any judgment the injured person, his estate, or establish lien rights for physicians, nurses, and hospitals 12 12 successors may obtain for injury, disease, or death; and when a person receiving medical treatment: 13 13 (c) all money paid in satisfaction of such indument or 14 (1) is injured through the fault or neglect of 14 in settlement of the claim or cause of action. 15 another: or 15 (2) If a person is an insured or a beneficiary under 16 (2) is insured. 16 insurance which provides coverage in the event of injury or 17 Section 3. Definitions. As used in [this act], the 17 diseases a physician, nurse, or hospitals upon giving the following definitions apply: 18 required notice of lien, has a lien for the value of 18 services rendered on all proceeds or payments, except 19 19 (1) "Beneficiary" means a person entitled to insurance benefits. payments for property damage, payable by the insurer. 20 20 21 t31--The--amount--of--the--lien--may--not--exceed---the 21 (2) "Insurance" means a contract whereby a person, the provisions--of--the--schedule-of-fees-adopted-by-the-Montana 22 insurer, undertakes to indemnify another, the insured, or 22 23 pay or provide a determinable amount or benefit upon 23 state-medical-association. 24 determinable contingencies. 24 (4)[3] The lien is subject to the lien of an attorney 25 (3) "Person" means an individual, a corporation, an 25 provided in 37-61-420.

HB 783

REFERENCE BILL

-2-

HB 0783/02

1 Section 5. Notice of Hen. (1) A physician, nurse, or 2 hospital claiming a lien shall serve written notice upon the 3 person and upon his insurer, if any, against whom liability 4 for injury, disease, or death is asserted, stating the 5 nature of the services, for whom and when rendered, the 6 value of the services, and that a lien is claimed.

7 (2) A physician, nurse, or hospital claiming a lien 8 upon proceeds or payments payable by an insurer shall serve 9 written notice upon the insurer against whom the lien is 10 asserted, stating the nature of the services, for whom and 11 when rendered, the value of the services, and that a lien is 12 claimed.

13 Section 6. Notice of lien -- filing with clerk of 14 court. If an action is commenced for recovery for injury. 15 disease, or death, a copy of the notice of lien may be filed 16 in the office of the clerk of court in which the action is 17 pending, and the filing is notice to all parties to the 18 action.

19 Section 7. Liability for failure to recognize lien. If 20 any insurer or person, after receiving notice of lien, makes 21 payment on account of injury, disease, or death and the 22 amount of the lien claimed by any physician, nurse, or 23 hospital has not been paid, the insurer or person is liable 24 to the physician, nurse, or hospital for the reasonable 25 value of the services.

1 Section 8. When law not applicable. [II] [This act] does not apply to any injury, disease, or death for which 2 compensation is awarded pursuant to the Workers* 3 4 Commensation Act or the Occupational Disease Act of Montana. (2) [THIS ACT] DOES NOT APPLY TO ANY BENEFITS PAYABLE 5 UNDER_ A POLICY OF LIFE INSURANCE OR GROUP LIFE INSURANCE. A 6 7 CONTRACT OF DISABILITY INSURANCE. OR AN ANNUITY CONTRACT OR ID_PENSION_BENEFITS_PAYABLE_UNDER_A_QUALIFIED_PENSION_PLAN* 8 Section 9. Repeater. Sections 71-3-1101 through 9 10 71-3-1105. MCA. are repealed. -End-

HB 0783/02

-3-

-4-

HB 783

March 14, 1979

SENATE STANDING COMMITTEE REPORT (Local Government)

That House Bill No. 783 be amended as follows:

1. Page 2, lines 21 through 23. Strike: subsection (3) in its entirety Renumber: subsequent subsection

2. Page 4, line 1.
Following: "applicable."
Insert: "(1)"

3. Page 4. Following: line 4 Insert: "(2)" [This act] does not apply to any benefits payable under a policy of life insurance or group life insurance, a contract of disability insurance, or an annuity contract or to pension benefits payable under a qualified pension plan."