

HOUSE BILL NO. 575

INTRODUCED BY LORY, WINSLOW, ADDY, RAMIREZ

IN THE HOUSE

January 29, 1983	Introduced and referred to Committee on Judiciary.
February 12, 1983	Committee recommend bill do pass as amended. Report adopted.
February 14, 1983	Bill printed and placed on members' desks.
February 15, 1983	Second reading, do pass as amended.
February 16, 1983	Correctly engrossed.
February 17, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 18, 1983	Introduced and referred to Committee on Judiciary.
March 10, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1983	Second reading, concurred in.
March 15, 1983	Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 15, 1983	Returned to House with amendments.
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March 31, 1983

Second reading, amendments  
concurred in.

April 1, 1983

Third reading, amendments  
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *575*  
2 INTRODUCED BY *Long* *Plush* *Ally Ramsey*  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A LIEN FOR  
5 MEDICAL PRACTITIONERS AND HOSPITALS AGAINST PAYMENTS AWARDED  
6 BY THE WORKERS' COMPENSATION DIVISION FOR MEDICAL SERVICES;  
7 AMENDING SECTION 71-3-1118, MCA."  
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 71-3-1118, MCA, is amended to read:

11 "71-3-1118. Applicability. (1) ~~This except as provided~~  
12 ~~in subsection (2), this part does not apply to any--injury,~~  
13 ~~disease--or--death--for--which compensation is awarded to~~  
14 ~~workers for injury, disease, or death pursuant to the~~  
15 ~~Workers' Compensation Act or the Occupational Disease Act of~~  
16 ~~Montana.~~

17 ~~(2) This part applies to all payments awarded for~~  
18 ~~medical and hospital services pursuant to the acts referred~~  
19 ~~to in subsection (1).~~

20 ~~†2†(3)~~ This part does not apply to any benefits  
21 payable under a policy of life insurance or group life  
22 insurance, a contract of disability insurance, or an annuity  
23 contract or to pension benefits payable under a qualified  
24 pension plan."

-End-

INTRODUCED BILL

HB 575

Approved by Committee  
on Judiciary

## HOUSE BILL NO. 575

INTRODUCED BY LORY, WINSLOW, ADDY, RAMIREZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A LIEN FOR  
MEDICAL PRACTITIONERS AND HOSPITALS AGAINST PAYMENTS AWARDED  
BY THE WORKERS' COMPENSATION DIVISION FOR MEDICAL SERVICES;  
AMENDING SECTIONS 71-3-1112 AND 71-3-1118, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-3-1118, MCA, is amended to read:

"71-3-1118. Applicability. (1) ~~This except as provided~~  
~~in Subsection (2), this part does not apply to any--injury,~~  
~~disease--or--death--for--which compensation is awarded to~~  
~~workers for injury, disease, or death~~ pursuant to the  
Workers' Compensation Act or the Occupational Disease Act of  
Montana.

~~(2) This part applies to all payments awarded for~~  
~~medical and hospital services pursuant to the acts referred~~  
~~to in subsection (1) WITHOUT LIMITATION BY REASON OF ANY~~  
~~PROVISION OF TITLE 39, CHAPTERS 71 AND 72.~~

~~(2)(3)~~ This part 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."

SECTION 2. SECTION 71-3-1112, MCA, IS AMENDED TO READ:

"71-3-1112. Purpose. The purpose of this part is to  
establish lien rights for physicians, nurses, and hospitals  
when a person receiving medical treatment:

(1) is injured through the fault or neglect of  
another; or

(2) is either insured or a beneficiary under  
insurance."

-End-

SECOND READING

## HOUSE BILL NO. 575

INTRODUCED BY LORY, WINSLOW, ADDY, RAMIREZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A LIEN FOR MEDICAL PRACTITIONERS AND HOSPITALS AGAINST PAYMENTS AWARDED BY THE WORKERS' COMPENSATION DIVISION FOR MEDICAL SERVICES; AMENDING SECTION ~~SECTIONS 71-3-1112 AND~~ 71-3-1118, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-3-1118, MCA, is amended to read:

"71-3-1118. Applicability. (1) ~~That Except as provided in subsection (2), this part does not apply to any injury, disease, or death for which compensation is awarded to workers for injury, disease, or death pursuant to the Workers' Compensation Act or the Occupational Disease Act of Montana.~~

~~(2) This part applies to all payments awarded for medical and hospital services pursuant to the acts referred to in subsection (1) WITHOUT LIMITATION BY REASON OF ANY PROVISION OF TITLE 39, CHAPTERS 71 AND 72.~~

(2)(2) This part 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."

SECTION 2. ~~SECTION 71-3-1112, MCA, IS AMENDED TO READ:~~

"71-3-1112. Purpose. The purpose of this part is to establish lien rights for physicians, nurses, and hospitals when a person receiving medical treatment:

(1) is injured through the fault or neglect of another; or

(2) is ~~either~~ insured ~~or a beneficiary under~~ insurance."

-End-

March 10, 1983

SENATE STANDING COMMITTEE REPORT  
(Judiciary)

That House Bill No. 575 be amended as follows:

1. Title, line 7.  
Following: "71-3-1112"  
Strike: "AND"  
Insert: ",",
2. Title, line 7.  
Following: "71-3-1118,"  
Insert: "AND 39-71-743,"
3. Page 2.  
Following: line 8.  
Insert: "SECTION 3. SECTION 39-71-743, MCA, IS AMENDED TO READ:  
39-71-743. Assignment or attachment of payments.  
(1) No payment under this chapter shall be assignable,  
subject to attachment or garnishment or be held liable  
in any way for debts, except as provided in section 71-3-1118, MCA.  
(2) After determination that the claim is covered under the  
workers' compensation or occupational disease acts the liability  
for payment of the claim is the responsibility of the appropriate  
workers' compensation insurer. No fee or charge shall be payable  
by the injured worker for treatment of injuries sustained if  
liability is accepted by the insurer."

## HOUSE BILL NO. 575

INTRODUCED BY LORY, WINSLOW, ADDY, RAMIREZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A LIEN FOR MEDICAL PRACTITIONERS AND HOSPITALS AGAINST PAYMENTS AWARDED BY THE WORKERS' COMPENSATION DIVISION FOR MEDICAL SERVICES; AMENDING SECTION SECTIONS 39-71-743, 71-3-1112, AND 71-3-1118, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-3-1118, MCA, is amended to read:

"71-3-1118. Applicability. (1) ~~This Except as provided in subsection (2), this part does not apply to any injury, disease, or death for which compensation is awarded to workers for injury, disease, or death pursuant to the Workers' Compensation Act or the Occupational Disease Act of Montana.~~

~~(2) This part applies to all payments awarded for medical and hospital services pursuant to the acts referred to in subsection (1) WITHOUT LIMITATION BY REASON OF ANY PROVISION OF TITLE 39, CHAPTERS 71 AND 72.~~

~~(2)(3) This part 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."

SECTION 2. SECTION 71-3-1112, MCA, IS AMENDED TO READ:

"71-3-1112. Purpose. The purpose of this part is to establish lien rights for physicians, nurses, and hospitals when a person receiving medical treatment:

(1) is injured through the fault or neglect of another; or

(2) is either insured or a beneficiary under insurance."

SECTION 3. SECTION 39-71-743, MCA, IS AMENDED TO READ:

"39-71-743. Assignment or attachment of payments. (1) No payments under this chapter shall be assignable, subject to attachment or garnishment, or be held liable in any way for debts, except as provided in 71-3-1118.

~~(2) After determination that the claim is covered under the Workers' Compensation Act or Occupational Disease Act of Montana, the liability for payment of the claim is the responsibility of the appropriate workers' compensation insurer. No fee or charge shall be payable by the injured worker for treatment of injuries sustained if liability is accepted by the insurer.~~

-End-