

SENATE BILL NO. 2

INTRODUCED BY HAGER

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON LIEN LAWS

IN THE SENATE

JANUARY 5, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

JANUARY 21, 1987 COMMITTEE RECOMMEND BILL DO PASS
AS AMENDED. REPORT ADOPTED.

JANUARY 22, 1987 PRINTING REPORT.

JANUARY 24, 1987 SECOND READING, DO PASS.

JANUARY 26, 1987 ENGROSSING REPORT.

JANUARY 27, 1987 THIRD READING, PASSED.
TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & LABOR.

MARCH 3, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 4, 1987 SECOND READING, CONCURRED IN.

MARCH 5, 1987 THIRD READING, CONCURRED IN.
AYES, 98; NOES, 0.
RETURNED TO SENATE.

IN THE SENATE

MARCH 6, 1987 RECEIVED FROM HOUSE.
SENT TO ENROLLING.

SENATE BILL NO. 2

INTRODUCED BY HAGER

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON LIEN LAWS

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LIEN RIGHTS FOR PHYSICAL THERAPISTS AND OCCUPATIONAL THERAPISTS; AMENDING SECTIONS 71-3-1111, 71-3-1112, 71-3-1114, 71-3-1115, 71-3-1117, AND 71-3-1118, MCA."

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

Section 1. Section 71-3-1111, MCA, is amended to read:

"71-3-1111. Short title. This part may be cited as the "Physician, Nurse, Physical Therapist, Occupational Therapist, and Hospital Lien Act of 1979"."

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, physical therapists, occupational therapists, 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 71-3-1114, MCA, is amended to read:

"71-3-1114. Liens of physicians, nurses, physical

therapists, occupational therapists, and hospitals. (1) Whenever a physician, nurse, physical therapist, occupational therapist, or hospital renders services to a person injured through the fault or neglect of another, the physician, nurse, physical therapist, occupational therapist, or hospital, upon giving the required notice of lien, has a lien for the value of services rendered on:

(a) any claim or cause of action the injured person, his estate, or successors may have for injury, disease, or death;

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

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

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

(3) The lien is subject to the lien of an attorney provided in 37-61-420."

Section 4. Section 71-3-1115, MCA, is amended to read:

"71-3-1115. Notice of lien. (1) A physician, nurse,

1 physical therapist, occupational therapist, or hospital
 2 claiming a lien shall serve written notice upon the person
 3 and upon his insurer, if any, against whom liability for
 4 injury, disease, or death is asserted, stating the nature of
 5 the services, for whom and when rendered, the value of the
 6 services, and that a lien is claimed.

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

14 Section 5. Section 71-3-1117, MCA, is amended to read:

15 "71-3-1117. Liability for failure to recognize lien.
 16 If any insurer or person, after receiving notice of lien,
 17 makes payment on account of injury, disease, or death and
 18 the amount of the lien claimed by any physician, nurse,
 19 physical therapist, occupational therapist, or hospital has
 20 not been paid, the insurer or person is liable to the
 21 physician, nurse, physical therapist, occupational
 22 therapist, or hospital for the reasonable value of the
 23 services."

24 Section 6. Section 71-3-1118, MCA, is amended to read:

25 "71-3-1118. Applicability. (1) Except as provided in

1 subsection (2), this part does not apply to compensation
 2 awarded to workers for injury, disease, or death pursuant to
 3 the Workers' Compensation Act or the Occupational Disease
 4 Act of Montana.

5 (2) This part applies to all payments awarded for
 6 medical, therapy, and hospital services pursuant to the acts
 7 referred to in subsection (1).

8 (3) This part does not apply to any benefits payable
 9 under a policy of life insurance or group life insurance, a
 10 contract of disability insurance, or an annuity contract or
 11 to pension benefits payable under a qualified pension plan."

1
 ,
 -End-

APPROVED BY COMMITTEE
ON JUDICIARY

1 SENATE BILL NO. 2
 2 INTRODUCED BY HAGER
 3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON LIEN LAWS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LIEN
 6 RIGHTS FOR PHYSICAL THERAPISTS AND, OCCUPATIONAL THERAPISTS,
 7 CHIROPRACTORS, AND PERSONS PRACTICING DENTISTRY; AMENDING
 8 SECTIONS 71-3-1111, 71-3-1112, 71-3-1114, 71-3-1115,
 9 71-3-1117, AND 71-3-1118, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 71-3-1111, MCA, is amended to read:
 13 "71-3-1111. Short title. This part may be cited as the
 14 "Physician, Nurse, Physical Therapist, Occupational
 15 Therapist, CHIROPRACTOR, DENTIST, and Hospital Lien Act of
 16 ~~1979~~."

17 Section 2. Section 71-3-1112, MCA, is amended to read:
 18 "71-3-1112. Purpose. The purpose of this part is to
 19 establish lien rights for physicians, nurses, physical
 20 therapists, occupational therapists, CHIROPRACTORS, PERSONS
 21 PRACTICING DENTISTRY, and hospitals when a person receiving
 22 medical treatment:

- 23 (1) is injured through the fault or neglect of
- 24 another; or
- 25 (2) is either insured or a beneficiary under

1 insurance."
 2 Section 3. Section 71-3-1114, MCA, is amended to read:
 3 "71-3-1114. Liens of physicians, nurses, physical
 4 therapists, occupational therapists, CHIROPRACTORS, PERSONS
 5 PRACTICING DENTISTRY, and hospitals. (1) Whenever a
 6 physician, nurse, physical therapist, occupational
 7 therapist, CHIROPRACTOR, PERSON PRACTICING DENTISTRY, or
 8 hospital renders services to a person injured through the
 9 fault or neglect of another, the physician, nurse, physical
 10 therapist, occupational therapist, CHIROPRACTOR, PERSON
 11 PRACTICING DENTISTRY, or hospital, upon giving the required
 12 notice of lien, has a lien for the value of services
 13 rendered on:
 14 (a) any claim or cause of action the injured person,
 15 his estate, or successors may have for injury, disease, or
 16 death;
 17 (b) any judgment the injured person, his estate, or
 18 successors may obtain for injury, disease, or death; and
 19 (c) all money paid in satisfaction of such judgment or
 20 in settlement of the claim or cause of action.
 21 (2) If a person is an insured or a beneficiary under
 22 insurance which provides coverage in the event of injury or
 23 disease, a physician, nurse, physical therapist,
 24 occupational therapist, CHIROPRACTOR, PERSON PRACTICING
 25 DENTISTRY, or hospital, upon giving the required notice of



1 lien, has a lien for the value of services rendered on all
 2 proceeds or payments, except payments for property damage,
 3 payable by the insurer.

4 (3) The lien is subject to the lien of an attorney
 5 provided in 37-61-420."

6 Section 4. Section 71-3-1115, MCA, is amended to read:

7 "71-3-1115. Notice of lien. (1) A physician, nurse,
 8 physical therapist, occupational therapist, CHIROPRACTOR,
 9 PERSON PRACTICING DENTISTRY, or hospital claiming a lien
 10 shall serve written notice upon the person and upon his
 11 insurer, if any, against whom liability for injury, disease,
 12 or death is asserted, stating the nature of the services,
 13 for whom and when rendered, the value of the services, and
 14 that a lien is claimed.

15 (2) A physician, nurse, physical therapist,
 16 occupational therapist, CHIROPRACTOR, PERSON PRACTICING
 17 DENTISTRY, or hospital claiming a lien upon proceeds or
 18 payments payable by an insurer shall serve written notice
 19 upon the insurer against whom the lien is asserted, stating
 20 the nature of the services, for whom and when rendered, the
 21 value of the services, and that a lien is claimed."

22 Section 5. Section 71-3-1117, MCA, is amended to read:

23 "71-3-1117. Liability for failure to recognize lien.
 24 If any insurer or person, after receiving notice of lien,
 25 makes payment on account of injury, disease, or death and

1 the amount of the lien claimed by any physician, nurse,
 2 physical therapist, occupational therapist, CHIROPRACTOR,
 3 PERSON PRACTICING DENTISTRY, or hospital has not been paid,
 4 the insurer or person is liable to the physician, nurse,
 5 physical therapist, occupational therapist, CHIROPRACTOR,
 6 PERSON PRACTICING DENTISTRY, or hospital for the reasonable
 7 value of the services."

8 Section 6. Section 71-3-1118, MCA, is amended to read:

9 "71-3-1118. Applicability. (1) Except as provided in
 10 subsection (2), this part does not apply to compensation
 11 awarded to workers for injury, disease, or death pursuant to
 12 the Workers' Compensation Act or the Occupational Disease
 13 Act of Montana.

14 (2) This part applies to all payments awarded for
 15 medical, therapy, CHIROPRACTIC, DENTISTRY, and hospital
 16 services pursuant to the acts referred to in subsection (1).

17 (3) This part does not apply to any benefits payable
 18 under a policy of life insurance or group life insurance, a
 19 contract of disability insurance, or an annuity contract or
 20 to pension benefits payable under a qualified pension plan."

-End-

1 Section 2. Section 2-9-212, MCA, is amended to read:
2 "2-9-212. Political subdivision tax levy to pay
3 premiums. Notwithstanding any provisions of law to the
4 contrary, all political subdivisions may levy an annual
5 property tax in the amount necessary to fund the premium for
6 insurance, deductible reserve fund, and self-insurance
7 reserve fund as herein authorized and to pay the principal
8 and interest on bonds or notes issued pursuant to
9 2-9-211(5), even though as a result of such levy the maximum
10 levy as otherwise restricted by law is exceeded thereby,
11 provided that the revenues derived therefrom may not be used
12 for any other purpose."
13 NEW SECTION. Section 3. Effective date. This act is
14 effective on passage and approval.

-End-

SENATE BILL NO. 2

INTRODUCED BY Ray Fuller

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING POLITICAL SUBDIVISIONS TO ISSUE BONDS OR NOTES, INDIVIDUALLY OR JOINTLY, TO ESTABLISH SELF-INSURANCE RESERVE FUNDS; AMENDING SECTIONS 2-9-211 AND 2-9-212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 2-9-211, MCA, is amended to read:

"2-9-211. Political subdivision insurance. (1) All political subdivisions of the state may procure insurance separately or jointly with other subdivisions and may elect to use a deductible or self-insurance plan, wholly or in part.

(2) A political subdivision that elects to establish a deductible plan may establish a deductible reserve separately or jointly with other subdivisions.

(3) A political subdivision that elects to establish a self-insurance plan may accumulate a self-insurance reserve fund, separately or jointly with other subdivisions, sufficient to provide self-insurance for all liability coverages that, in its discretion, the political subdivision considers should be self-insured. Payments into the reserve

fund must be made from local legislative appropriations for that purpose or from the proceeds of bonds or notes authorized by subsection (5). Proceeds of the fund may be used only to pay claims under parts 1 through 3 of this chapter and for actual and necessary expenses required for the efficient administration of the fund.

(4) Money in reserve funds established under this section not needed to meet expected expenditures shall be invested and all proceeds of the investment credited to the fund.

(5) A political subdivision may issue and sell its bonds or notes for purposes of funding a self-insurance or deductible reserve fund and costs incident thereto in an amount not exceeding 3% of the taxable value of the political subdivision as of the date of issuance. The bonds or notes must be authorized by resolution of the governing body, are payable from the taxes authorized by 2-9-212, may be sold at public or private sale, do not constitute debt within the meaning of any statutory debt limitation, and may contain such other terms and provisions as the governing body determines. Two or more political subdivisions may agree pursuant to an interlocal agreement to exercise their respective borrowing powers hereunder jointly and may authorize a joint board created pursuant to such agreement to exercise such powers on their behalf."

1 Section 2. Section 2-9-212, MCA, is amended to read:

2 "2-9-212. Political subdivision tax levy to pay
3 premiums. Notwithstanding any provisions of law to the
4 contrary, all political subdivisions may levy an annual
5 property tax in the amount necessary to fund the premium for
6 insurance, deductible reserve fund, and self-insurance
7 reserve fund as herein authorized and to pay the principal
8 and interest on bonds or notes issued pursuant to
9 2-9-211(5), even though as a result of such levy the maximum
10 levy as otherwise restricted by law is exceeded thereby,
11 provided that the revenues derived therefrom may not be used
12 for any other purpose."

13 NEW SECTION. Section 3. Effective date. This act is
14 effective on passage and approval.

-End-

1 SENATE BILL NO. 2
 2 INTRODUCED BY HAGER
 3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON LIEN LAWS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LIEN
 6 RIGHTS FOR PHYSICAL THERAPISTS AND, OCCUPATIONAL THERAPISTS,
 7 CHIROPRACTORS, AND PERSONS PRACTICING DENTISTRY; AMENDING
 8 SECTIONS 71-3-1111, 71-3-1112, 71-3-1114, 71-3-1115,
 9 71-3-1117, AND 71-3-1118, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 71-3-1111, MCA, is amended to read:
 13 "71-3-1111. Short title. This part may be cited as the
 14 "Physician, Nurse, Physical Therapist, Occupational
 15 Therapist, CHIROPRACTOR, DENTIST, and Hospital Lien Act of
 16 1979".

17 Section 2. Section 71-3-1112, MCA, is amended to read:
 18 "71-3-1112. Purpose. The purpose of this part is to
 19 establish lien rights for physicians, nurses, physical
 20 therapists, occupational therapists, CHIROPRACTORS, PERSONS
 21 PRACTICING DENTISTRY, and hospitals when a person receiving
 22 medical treatment:

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

25 (2) is either insured or a beneficiary under

1 insurance."

2 Section 3. Section 71-3-1114, MCA, is amended to read:

3 "71-3-1114. Liens of physicians, nurses, physical
 4 therapists, occupational therapists, CHIROPRACTORS, PERSONS
 5 PRACTICING DENTISTRY, and hospitals. (1) Whenever a
 6 physician, nurse, physical therapist, occupational
 7 therapist, CHIROPRACTOR, PERSON PRACTICING DENTISTRY, or
 8 hospital renders services to a person injured through the
 9 fault or neglect of another, the physician, nurse, physical
 10 therapist, occupational therapist, CHIROPRACTOR, PERSON
 11 PRACTICING DENTISTRY, or hospital, upon giving the required
 12 notice of lien, has a lien for the value of services
 13 rendered on:

14 (a) any claim or cause of action the injured person,
 15 his estate, or successors may have for injury, disease, or
 16 death;

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

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

21 (2) If a person is an insured or a beneficiary under
 22 insurance which provides coverage in the event of injury or
 23 disease, a physician, nurse, physical therapist,
 24 occupational therapist, CHIROPRACTOR, PERSON PRACTICING
 25 DENTISTRY, or hospital, upon giving the required notice of

1 lien, has a lien for the value of services rendered on all
2 proceeds or payments, except payments for property damage,
3 payable by the insurer.

4 (3) The lien is subject to the lien of an attorney
5 provided in 37-61-420."

6 Section 4. Section 71-3-1115, MCA, is amended to read:

7 "71-3-1115. Notice of lien. (1) A physician, nurse,
8 physical therapist, occupational therapist, CHIROPRACTOR,
9 PERSON PRACTICING DENTISTRY, or hospital claiming a lien
10 shall serve written notice upon the person and upon his
11 insurer, if any, against whom liability for injury, disease,
12 or death is asserted, stating the nature of the services,
13 for whom and when rendered, the value of the services, and
14 that a lien is claimed.

15 (2) A physician, nurse, physical therapist,
16 occupational therapist, CHIROPRACTOR, PERSON PRACTICING
17 DENTISTRY, or hospital claiming a lien upon proceeds or
18 payments payable by an insurer shall serve written notice
19 upon the insurer against whom the lien is asserted, stating
20 the nature of the services, for whom and when rendered, the
21 value of the services, and that a lien is claimed."

22 Section 5. Section 71-3-1117, MCA, is amended to read:

23 "71-3-1117. Liability for failure to recognize lien.
24 If any insurer or person, after receiving notice of lien,
25 makes payment on account of injury, disease, or death and

1 the amount of the lien claimed by any physician, nurse,
2 physical therapist, occupational therapist, CHIROPRACTOR,
3 PERSON PRACTICING DENTISTRY, or hospital has not been paid,
4 the insurer or person is liable to the physician, nurse,
5 physical therapist, occupational therapist, CHIROPRACTOR,
6 PERSON PRACTICING DENTISTRY, or hospital for the reasonable
7 value of the services."

8 Section 6. Section 71-3-1118, MCA, is amended to read:

9 "71-3-1118. Applicability. (1) Except as provided in
10 subsection (2), this part does not apply to compensation
11 awarded to workers for injury, disease, or death pursuant to
12 the Workers' Compensation Act or the Occupational Disease
13 Act of Montana.

14 (2) This part applies to all payments awarded for
15 medical, therapy, CHIROPRACTIC, DENTISTRY, and hospital
16 services pursuant to the acts referred to in subsection (1).

17 (3) This part does not apply to any benefits payable
18 under a policy of life insurance or group life insurance, a
19 contract of disability insurance, or an annuity contract or
20 to pension benefits payable under a qualified pension plan."

-End-

1 SENATE BILL NO. 2

2 INTRODUCED BY CRIPPEN, FULLER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING POLITICAL
5 SUBDIVISIONS TO ISSUE BONDS OR NOTES, INDIVIDUALLY OR
6 JOINTLY, TO ESTABLISH SELF-INSURANCE RESERVE FUNDS; AMENDING
7 SECTIONS 2-9-211 AND 2-9-212, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."
9

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

11 Section 1. Section 2-9-211, MCA, is amended to read:

12 "2-9-211. Political subdivision insurance. (1) All
13 political subdivisions of the state may procure insurance
14 separately or jointly with other subdivisions and may elect
15 to use a deductible or self-insurance plan, wholly or in
16 part.

17 (2) A political subdivision that elects to establish a
18 deductible plan may establish a deductible reserve
19 separately or jointly with other subdivisions.

20 (3) A political subdivision that elects to establish a
21 self-insurance plan may accumulate a self-insurance reserve
22 fund, separately or jointly with other subdivisions,
23 sufficient to provide self-insurance for all liability
24 coverages that, in its discretion, the political subdivision
25 considers should be self-insured. Payments into the reserve

1 fund must be made from local legislative appropriations for
2 that purpose or from the proceeds of bonds or notes
3 authorized by subsection (5). Proceeds of the fund may be
4 used only to pay claims under parts 1 through 3 of this
5 chapter and for actual and necessary expenses required for
6 the efficient administration of the fund.

7 (4) Money in reserve funds established under this
8 section not needed to meet expected expenditures shall be
9 invested and all proceeds of the investment credited to the
10 fund.

11 (5) A political subdivision may issue and sell its
12 bonds or notes for purposes of funding a self-insurance or
13 deductible reserve fund and costs incident thereto in an
14 amount not exceeding 3% of the taxable value of the
15 political subdivision as of the date of issuance. The bonds
16 or notes must be authorized by resolution of the governing
17 body, are payable from the taxes authorized by 2-9-212, may
18 be sold at public or private sale, do not constitute debt
19 within the meaning of any statutory debt limitation, and may
20 contain such other terms and provisions as the governing
21 body determines. Two or more political subdivisions may
22 agree pursuant to an interlocal agreement to exercise their
23 respective borrowing powers hereunder jointly and may
24 authorize a joint board created pursuant to such agreement
25 to exercise such powers on their behalf."

REFERENCE BILL

1 Section 2. Section 2-9-212, NCA, is amended to read:

2 "2-9-212. Political subdivision tax levy to pay
3 premiums. Notwithstanding any provisions of law to the
4 contrary, all political subdivisions may levy an annual
5 property tax in the amount necessary to fund the premium for
6 insurance, deductible reserve fund, and self-insurance
7 reserve fund as herein authorized and to pay the principal
8 and interest on bonds or notes issued pursuant to
9 2-9-211(5), even though as a result of such levy the maximum
10 levy as otherwise restricted by law is exceeded thereby,
11 provided that the revenues derived therefrom may not be used
12 for any other purpose."

13 NEW SECTION. Section 3. Effective date. This act is
14 effective on passage and approval.

-End-

1 SENATE BILL NO. 2
 2 INTRODUCED BY HAGER
 3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON LIEN LAWS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LIEN
 6 RIGHTS FOR PHYSICAL THERAPISTS AND, OCCUPATIONAL THERAPISTS,
 7 CHIROPRACTORS, AND PERSONS PRACTICING DENTISTRY; AMENDING
 8 SECTIONS 71-3-1111, 71-3-1112, 71-3-1114, 71-3-1115,
 9 71-3-1117, AND 71-3-1118, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 71-3-1111, MCA, is amended to read:
 13 "71-3-1111. Short title. This part may be cited as the
 14 "Physician, Nurse, Physical Therapist, Occupational
 15 Therapist, CHIROPRACTOR, DENTIST, and Hospital Lien Act of
 16 1979."

17 Section 2. Section 71-3-1112, MCA, is amended to read:
 18 "71-3-1112. Purpose. The purpose of this part is to
 19 establish lien rights for physicians, nurses, physical
 20 therapists, occupational therapists, CHIROPRACTORS, PERSONS
 21 PRACTICING DENTISTRY, and hospitals when a person receiving
 22 medical treatment:

- 23 (1) is injured through the fault or neglect of
- 24 another; or
- 25 (2) is either insured or a beneficiary under

1 insurance."
 2 Section 3. Section 71-3-1114, MCA, is amended to read:
 3 "71-3-1114. Liens of physicians, nurses, physical
 4 therapists, occupational therapists, CHIROPRACTORS, PERSONS
 5 PRACTICING DENTISTRY, and hospitals. (1) Whenever a
 6 physician, nurse, physical therapist, occupational
 7 therapist, CHIROPRACTOR, PERSON PRACTICING DENTISTRY, or
 8 hospital renders services to a person injured through the
 9 fault or neglect of another, the physician, nurse, physical
 10 therapist, occupational therapist, CHIROPRACTOR, PERSON
 11 PRACTICING DENTISTRY, or hospital, upon giving the required
 12 notice of lien, has a lien for the value of services
 13 rendered on:
 14 (a) any claim or cause of action the injured person,
 15 his estate, or successors may have for injury, disease, or
 16 death;
 17 (b) any judgment the injured person, his estate, or
 18 successors may obtain for injury, disease, or death; and
 19 (c) all money paid in satisfaction of such judgment or
 20 in settlement of the claim or cause of action.
 21 (2) If a person is an insured or a beneficiary under
 22 insurance which provides coverage in the event of injury or
 23 disease, a physician, nurse, physical therapist,
 24 occupational therapist, CHIROPRACTOR, PERSON PRACTICING
 25 DENTISTRY, or hospital, upon giving the required notice of



1 lien, has a lien for the value of services rendered on all
 2 proceeds or payments, except payments for property damage,
 3 payable by the insurer.

4 (3) The lien is subject to the lien of an attorney
 5 provided in 37-61-420."

6 Section 4. Section 71-3-1115, MCA, is amended to read:

7 "71-3-1115. Notice of lien. (1) A physician, nurse,
 8 physical therapist, occupational therapist, CHIROPRACTOR,
 9 PERSON PRACTICING DENTISTRY, or hospital claiming a lien
 10 shall serve written notice upon the person and upon his
 11 insurer, if any, against whom liability for injury, disease,
 12 or death is asserted, stating the nature of the services,
 13 for whom and when rendered, the value of the services, and
 14 that a lien is claimed.

15 (2) A physician, nurse, physical therapist,
 16 occupational therapist, CHIROPRACTOR, PERSON PRACTICING
 17 DENTISTRY, or hospital claiming a lien upon proceeds or
 18 payments payable by an insurer shall serve written notice
 19 upon the insurer against whom the lien is asserted, stating
 20 the nature of the services, for whom and when rendered, the
 21 value of the services, and that a lien is claimed."

22 Section 5. Section 71-3-1117, MCA, is amended to read:

23 "71-3-1117. Liability for failure to recognize lien.
 24 If any insurer or person, after receiving notice of lien,
 25 makes payment on account of injury, disease, or death and

1 the amount of the lien claimed by any physician, nurse,
 2 physical therapist, occupational therapist, CHIROPRACTOR,
 3 PERSON PRACTICING DENTISTRY, or hospital has not been paid,
 4 the insurer or person is liable to the physician, nurse,
 5 physical therapist, occupational therapist, CHIROPRACTOR,
 6 PERSON PRACTICING DENTISTRY, or hospital for the reasonable
 7 value of the services."

8 Section 6. Section 71-3-1118, MCA, is amended to read:

9 "71-3-1118. Applicability. (1) Except as provided in
 10 subsection (2), this part does not apply to compensation
 11 awarded to workers for injury, disease, or death pursuant to
 12 the Workers' Compensation Act or the Occupational Disease
 13 Act of Montana.

14 (2) This part applies to all payments awarded for
 15 medical, therapy, CHIROPRACTIC, DENTISTRY, and hospital
 16 services pursuant to the acts referred to in subsection (1).

17 (3) This part does not apply to any benefits payable
 18 under a policy of life insurance or group life insurance, a
 19 contract of disability insurance, or an annuity contract or
 20 to pension benefits payable under a qualified pension plan."

-End-