1   State of Arkansas

2   85th General Assembly

3   Regular Session, 2005

As Engrossed: H1/20/05 H2/11/05

A Bill

HOUSE BILL   1076

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5   By: Representative Thyer

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8   ## For An Act To Be Entitled

9   AN ACT TO PROHIBIT A TORTFEASOR'S INSURANCE

10   CARRIER FROM CONDITIONING SETTLEMENT OF A

11   JUDGMENT OR CLAIM UPON ISSUING *A SINGLE* CHECK

12   JOINTLY TO THE INJURED PARTY AND *THE INJURED*

13   *PARTY'S* INSURANCE CARRIER; AND FOR OTHER

14   PURPOSES.

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16 ## Subtitle

17   TO PROHIBIT A TORTFEASOR'S INSURANCE

18   CARRIER FROM CONDITIONING SETTLEMENT OF

19   A JUDGMENT OR CLAIM UPON ISSUING *A*

20   *SINGLE* CHECK JOINTLY TO THE INJURED

21   PARTY AND THE INJURED PARTY'S INSURANCE

22   CARRIER.

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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27   SECTION 1. Arkansas Code § 23-89-207 is amended to read as follows:

28   23-89-207. Insurer's right of reimbursement.

29   (a) Whenever a recipient of benefits under § 23-89-202(1) and (2)

30 recovers in tort for injury, either by settlement or judgment, the insurer

31 paying the benefits has a right of reimbursement and credit out of the tort

32 recovery or settlement, less the cost of collection, as defined.

33   (b) All cost of collection thereof shall be assessed against <u>the</u>

34 insurer and insured in the proportion each benefits from the recovery.

35   (c) The insurer shall have a lien upon the recovery to the extent of

36 its benefit payments.

1   (d)(1)   The insurer for the party who is liable in damages to the

2   injured party shall not condition settlement or payment of a judgment in

3   *favor of the injured party upon issuing a single check jointly to the injured*

4   *party and the injured parties' insurance company.*

5   */s/ Thyer*

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