

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Wallis**

A Bill

ACT 790 OF 1995
HOUSE BILL 1907

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 18-46-106 TO PROVIDE THAT
9 ACTIONS ARISING OUT OF MEDICAL CARE LIENS MUST BE FILED
10 WITHIN ONE HUNDRED AND EIGHTY (180) DAYS AFTER NOTICE OF
11 THE LIEN; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO AMEND ARKANSAS CODE 18-46-106
15 TO PROVIDE THAT ACTIONS ARISING OUT OF
16 MEDICAL CARE LIENS MUST BE FILED WITHIN
17 ONE HUNDRED AND EIGHTY (180) DAYS AFTER
18 NOTICE OF THE LIEN."

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

22 SECTION 1. Arkansas Code 18-46-106 is amended to read as follows:

23 "§ 18-46-106. Liens void after certain day unless action commenced.

24 (a) If at the expiration of one hundred and eighty (180) days
25 immediately following the day on which the most recent notice, amendatory
26 notice, or supplementary notice of a claim of lien was filed in the office of
27 the clerk of the circuit court, as authorized by this chapter, and if, in any
28 event, immediately on the expiration of the period during which the
29 practitioner, nurse, hospital, or ambulance service provider can enter action
30 to enforce his or its claim against the patient for compensation for service
31 rendered the lien remains unsatisfied and unreleased, and no suit by the
32 practitioner, nurse, hospital, or ambulance service provider by which notice
33 of the lien was filed to enforce that lien is pending in any court, then the
34 lien shall be void and of no effect.

35 (b) Any patient against whose claim or right of action any void lien
36 exists may enforce that claim or right of action discharged from that lien, on

1 delivering to the tortfeasor or insurer an affidavit showing that no action is
2 pending against the affiant to enforce the lien claimed by the practitioner,
3 nurse, hospital, or ambulance service provider. On filing a copy of that
4 affidavit with the clerk of the circuit court in whose office notice of the
5 lien was originally filed, the clerk shall enter on his docket and file a
6 notation to show that the lien has lapsed and is void.

7 (c) If the amount claimed under any lien has been paid into court as
8 authorized by this chapter remains in the custody of the court after the lien
9 has become void, on application by the tortfeasor or the insurer by which the
10 money was so paid, supported by a copy of the record of the circuit court
11 showing that the lien has lapsed, then the court may return the money to the
12 person by whom it was deposited and give him judgment against the lienor for
13 interest on the money during the time it was on deposit and for costs and a
14 reasonable counsel fee.

15 (d) Any person who, in order to obtain the release of an alleged lapsed
16 lien, makes a false affidavit and delivers a copy of it to any tortfeasor or
17 insurer or files a copy of any such affidavit in the office of the clerk of
18 the circuit court shall be guilty of perjury and subject to the penalties
19 prescribed for that offense.

20 (e) If at the expiration of the one hundred and eighty days stated in
21 subsection (a) of this section an action is pending by the practitioner,
22 nurse, hospital, or ambulance service provider to enforce a claim of lien
23 filed by him, the lien shall continue in full force and effect during the
24 pendency of that suit, unless released by the practitioner, nurse, hospital,
25 or ambulance service provider by whom the claim was filed."

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27 SECTION 2. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.

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31 SECTION 3. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: 3-24-95

