

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 269 of the Regular Session

1 State of Arkansas

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

2 85th General Assembly

A Bill

3 Regular Session, 2005

HOUSE BILL 1076

4
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 the
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



1 its benefit payments.

2 (d)(1) The insurer for the party who is liable in damages to the
3 injured party shall not condition settlement or payment of a judgment in
4 favor of the injured party upon issuing a single check jointly to the injured
5 party and the injured parties' insurance company.

6 /s/ Thyer

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APPROVED: 2/24/2005

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