

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.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

# A Bill

HOUSE BILL 2168

4  
5 By: Representative J. Rogers  
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## For An Act To Be Entitled

9 AN ACT TO EXTEND THE TIME UNDER WHICH ACTION ON A  
10 LIEN MAY BE TAKEN UNDER THE MEDICAL, NURSING,  
11 HOSPITAL, AND AMBULANCE SERVICE LIEN ACT; AND FOR  
12 OTHER PURPOSES.  
13

## Subtitle

14 AN ACT TO EXTEND THE TIME UNDER WHICH  
15 ACTION ON A LIEN MAY BE TAKEN UNDER THE  
16 MEDICAL, NURSING, HOSPITAL, AND  
17 AMBULANCE SERVICE LIEN ACT.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 18-46-105(3)(B), concerning notice  
24 requirements under the Medical, Nursing, Hospital, and Ambulance Service Lien  
25 Act is amended to read as follows:

26 (B) If delivered by ~~registered~~ certified mail at the last  
27 known address of the person to be notified, either within or without the  
28 State of Arkansas, as shown by the receipt returned by the Postal Service and  
29 by an affidavit by an affiant having personal knowledge of the facts, showing  
30 that the notice required by this section to be served was enclosed in the  
31 letter for which the receipt was returned, when that letter was deposited in  
32 the mail.  
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34 SECTION 2. Arkansas Code § 18-46-106 is amended to read as follows.

35 18-46-106. Liens void after certain day unless action commenced.

36 (a) If at the expiration of ~~one hundred eighty (180)~~ one thousand



1 eight hundred eighty (1,880) days immediately following the day on which the  
 2 most recent notice, amendatory notice, or supplementary notice of a claim of  
 3 lien was filed in the office of the clerk of the circuit court, ~~as authorized~~  
 4 ~~by under~~ this chapter, ~~and if, in any event, immediately on the expiration of~~  
 5 ~~the period during which the practitioner, nurse, hospital, or ambulance~~  
 6 ~~service provider can enter action to enforce his or her or its claim against~~  
 7 ~~the patient for compensation for service rendered, the lien remains~~  
 8 ~~unsatisfied and unreleased, and no suit by the practitioner, nurse, hospital,~~  
 9 ~~or ambulance service provider by which notice of the lien was filed to~~  
 10 ~~enforce that lien is pending in any court, then the lien shall be void and of~~  
 11 no effect.

12 (b)(1) Any patient against whose claim or right of action any void  
 13 lien exists may enforce that claim or right of action discharged from that  
 14 lien, on delivering to the tortfeasor or insurer an affidavit showing that no  
 15 action is pending against the affiant to enforce the lien claimed by the  
 16 practitioner, nurse, hospital, or ambulance service provider.

17 (2) On filing a copy of that affidavit with the clerk of the  
 18 circuit court in whose office notice of the lien was originally filed, the  
 19 clerk shall enter on his or her docket and file a notation to show that the  
 20 lien has lapsed and is void.

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

29 (d) Any person who, in order to obtain the release of an alleged  
 30 lapsed lien, makes a false affidavit and delivers a copy of it to any  
 31 tortfeasor or insurer or files a copy of any such affidavit in the office of  
 32 the clerk of the circuit court ~~shall be~~ is guilty of perjury and subject to  
 33 the penalties prescribed for that offense.

34 (e) If at the expiration of the ~~one hundred eighty (180)~~ one thousand  
 35 eight hundred eighty (1,880) days stated in subsection (a) of this section an  
 36 action is pending by the practitioner, nurse, hospital, or ambulance service

1 provider to enforce a claim of lien filed by him or her, the lien shall  
2 continue in full force and effect during the pendency of that suit, unless  
3 released by the practitioner, nurse, hospital, or ambulance service provider  
4 by whom the claim was filed.

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6 SECTION 3. Arkansas Code § 18-46-107(a), concerning enforcement of  
7 perfected liens, is amended to read as follows:

8 (a)~~(1)~~ A practitioner, nurse, hospital, or ambulance service provider  
9 that has perfected a lien under ~~the provisions of~~ this chapter to secure the  
10 payment of a debt for service rendered may enforce that lien by any proper  
11 action against the patient, the tortfeasor, and the insurer, jointly or  
12 severally, in any court of competent jurisdiction.

13 ~~(2) However, no such action shall be begun after action on the~~  
14 ~~debt itself is barred by the statute of limitations.~~

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