

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

# A Bill

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

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

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

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

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

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

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

1 act are declared to be severable.

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

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