

SENATE No. 127

To accompany the petition of Harold J. Tunison and another for the creation of liens on motor vehicle liability policies in favor of State and municipal hospitals. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT CREATING A LIEN ON MOTOR VEHICLE LIABILITY POLICIES IN FAVOR OF STATE AND MUNICIPAL HOSPITALS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 175 of the General Laws is
2 hereby amended by adding after section 112, as ap-
3 pearing in the Tercentenary Edition, the following
4 section: —

5 *Section 112A.* Any hospital receiving state aid, or
6 any hospital owned, operated or aided by a city or
7 town, which furnishes medical care, services and sup-
8 plies to any person sustaining bodily injury by reason
9 of an automobile accident shall have a lien for its claim
10 on the proceeds that may be paid by the insurance
11 company which has issued a motor vehicle liability
12 policy or bond under any provision of chapter ninety
13 to the person alleged by the patient to be responsible
14 for the accident.

15 To obtain the benefit of the lien, the superintendent

16 or other official of the hospital shall within thirty days
17 of the patient's admission file a notice of its claim for
18 hospitalization with the town or city clerk where the
19 injured party resides, if he is domiciled within the
20 commonwealth, and with the town or city clerk where
21 the hospital is located.

22 Such notice shall give the name and address of the
23 injured party, the name and address of the person
24 alleged to be responsible for the accident, the name
25 and address of the insurance company that issued the
26 motor vehicle liability policy or bond, and the time
27 and place of the accident. A copy of the notice shall
28 be sent to the insurance company that covers the risk,
29 within thirty days of the patient's admission to the
30 hospital.

31 Should the hospital claim be challenged by any
32 party at interest, a petition may be filed, upon pay-
33 ment of an entry fee in the sum of one dollar, in the
34 district court within the judicial district of which the
35 hospital is located. The case shall thereupon be heard
36 by a justice or special justice of the aforesaid court
37 and the amount or validity of the claim determined
38 and recorded. If an action is pending in any court of
39 the commonwealth between the principal parties to
40 the accident, then the hospital may by its duly
41 authorized officer intervene for the purpose of having
42 its claim determined and recorded in the action. The
43 lien shall attach as soon as the sum to be paid the in-
44 jured person is determined either by adjustment be-
45 tween the parties or by the judgment of the court.

46 Should the sum agreed upon by settlement, or
47 should the judgment of the court, be in a sum less
48 than twice the claim of the hospital, then the lien
49 shall attach for one-half of the hospital bill.

50 When payment is made to the hospital it shall forth-
51 with notify the town clerk, who shall thereupon make
52 a record thereof and the notice shall thereupon be
53 filed as a closed case.

54 Clause (10) of section three of chapter two hundred
55 and fourteen shall apply to actions by the common-
56 wealth or any city or town to enforce its lien against
57 an insurance company hereunder.

58 This section shall also apply to persons who avail
59 themselves of the provisions of section thirty-four D
60 of chapter ninety and who make a deposit in lieu of
61 procuring a motor vehicle liability policy or bond.

1 SECTION 2. This act shall take effect on October
2 first, nineteen hundred and forty-seven.

