

By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi relative to the enforcement of certain liens against civil judgments. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO THE ENFORCEMENT OF CERTAIN LIENS AGAINST CIVIL JUDGMENTS.

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 111 of the General Laws is hereby
2 amended by striking out section 70A, as appearing in the 1988
3 Official Edition, and inserting in place thereof the following
4 section: —

5 Section 70A. Any person and any city or town maintaining a
6 hospital licensed under the provisions of section fifty-one, any
7 hospital located in the commonwealth and operated by the United
8 States Veterans Administration, any hospital operated by the
9 commonwealth which furnished medical or other services to any
10 person injured in an accident not covered by the workers'
11 compensation act shall, subject to the provisions of section seventy
12 B, have a lien for the reasonable and necessary charges of such
13 hospital, not exceeding, however, the amount which would be
14 charged in a ward of such hospital, and any health maintenance
15 organization which has furnished health services, and any
16 hospital, medical, or dental service corporation which has
17 provided benefits for covered services furnished to a person
18 injured in such an accident shall, subject to the provisions of
19 section seventy B, have a lien for such benefits, upon the net
20 amount payable to such injured person, his heirs or legal
21 representative out of the total amount of any recovery or sum had
22 or collected or to be collected, whether by judgment or by
23 settlement or compromise, from another person as damages on
24 account of such injuries. The lien of any attorney shall have

25 precedence over the lien created under this section. With respect
26 to the lien of any lienholder to whom a premium or other amount
27 has been paid or contributed by or on behalf of the injured person
28 pursuant to any contract or agreement of any individual, group,
29 organization, partnership or corporation to provide, pay for or
30 reimburse the cost of medical, hospital, dental or other health care
31 services, the expenses for costs and attorneys' fees of the injured
32 person in obtaining said recovery or sum shall be divided between
33 the injured person and the holder of the lien in proportion to the
34 amounts received by them respectively under this section. The
35 provisions of this section shall not apply to any such charges
36 incurred subsequent to any such judgment, settlement or
37 compromise.

1 SECTION 2. The provisions of section one shall apply to
2 judgments, settlements, compromises, awards and other
3 dispositions entered or approved on and after its effective date.