

2003 SESSION

INTRODUCED

034216520

SENATE BILL NO. 841

Offered January 8, 2003

Prefiled January 7, 2003

A BILL to amend and reenact § 43-63.1 of the Code of Virginia, relating to liens for ambulance service.

Patron—Quayle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 43-63.1 of the Code of Virginia is amended and reenacted as follows:

§ 43-63.1. Lien for furnishing ambulance service to persons injured on highways.

Whenever a person is injured on any highway in this Commonwealth and is given ambulance service as a result of such injury, the person furnishing such ambulance service shall have a lien for the amount of a just and reasonable charge for the service rendered but not to exceed ~~fifty dollars~~ \$395 on the claim of such injured person or of his personal representative, against the person, firm or corporation whose negligence is alleged to have caused such injuries.

No such lien shall be created or become effective unless and until a written notice setting forth the name of the person furnishing the ambulance service, the name of the injured person, and the date and place such person is alleged to have sustained injuries, ~~shall have~~ *has* been served upon or given to the person, firm or corporation whose negligence is alleged to have caused such injuries or to the attorney for the injured party.

Such notice when served upon or given to either shall have the effect of making such party liable for the reasonable charges for the service rendered to the injured person to the extent of the amount paid to or received by such injured party or his personal representative exclusive of attorney's fees but not in excess of the maximum amounts prescribed herein. Provided that nothing contained herein shall be construed as imposing liability on any person, firm or corporation whose negligence is alleged to have caused injuries to the person so receiving such ambulance service or on the attorney for the injured party where no settlement is made, or in the case of an attorney, where no funds come into his hands, or where no judgment is obtained in favor of such injured party or his personal representative.

Should the person who received ambulance service question the reasonableness of the charges made therefor, he may file, in the court that would have jurisdiction of such claim if such claim were asserted against him by such person rendering the service, a petition setting forth the facts and the court shall hear and dispose of the same in a summary way after five days' notice to such claimant; and also in such case the claimant may file such petition in the court having jurisdiction if such claim were asserted against the injured party or his personal representative, and after five days' notice the court shall hear and dispose of same in a summary way.

If suit is instituted by such injured person or his personal representative, the person rendering ambulance service may, in lieu of proceeding according to the provisions of this section, file in the court wherein such suit is pending a petition to enforce the lien given hereunder, which petition shall be heard and disposed of in a summary way.

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