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SENATE BILL NO. 841

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 17, 2003)

(Patron Prior to Substitute—Senator Quayle)

A BILL to amend and reenact §§ 8.01-66.2, 8.01-66.5, 8.01-66.7 and 8.01-66.8 of the Code of Virginia, and to repeal § 43-63.1 of the Code of Virginia, relating to liens.

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-66.2, 8.01-66.5, 8.01-66.7 and 8.01-66.8 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-66.2. Lien against person whose negligence causes injury.

Whenever any person sustains personal injuries caused by the alleged negligence of another and receives treatment in any hospital, public or private, or receives medical attention or treatment from any physician, or receives nursing service or care from any registered nurse, or receives physical therapy treatment from any registered physical therapist in this Commonwealth, or receives medicine from a pharmacy, *or receives any ambulance service*, such hospital, physician, nurse, physical therapist ~~or~~, pharmacy *or ambulance service* shall each have a lien for the amount of a just and reasonable charge for the service rendered, but not exceeding \$2,000 in the case of a hospital, ~~and~~ \$500 for each physician, nurse, physical therapist, or pharmacy, *and \$200 for each ambulance service* 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.

§ 8.01-66.5. Written notice required.

No lien provided for in § 8.01-66.2 or § 8.01-66.9 shall be created or become effective in favor of the Commonwealth, an institution thereof, or a hospital, physician, nurse, ~~or~~ physical therapist, *or ambulance service* unless and until a written notice of lien setting forth the name of the Commonwealth, or the institution, hospital, physician, nurse, ~~or~~ physical therapist, *or ambulance service* and the name of the injured person, 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, or to the injured party. Such written notice of lien shall not be required if the attorney for the injured party knew that medical services were either provided or paid for by the Commonwealth.

§ 8.01-66.7. Hearing and disposal of claim of unreasonableness.

If the injured person questions the reasonableness of the charges made by a hospital, nurse, ~~or~~ physician *or ambulance service* claiming a lien pursuant to § 8.01-66.2, the injured person or the hospital, physician ~~or~~, nurse *or ambulance service* may file, in the court that would have jurisdiction of such claim if such claim were asserted against the injured person by such hospital, physician ~~or~~, nurse, *or ambulance service*, a petition setting forth the facts. The court shall hear and dispose of the matter in a summary way after five days' notice to the other party in interest.

§ 8.01-66.8. Petition to enforce lien.

If suit is instituted by an injured person or his personal representative against the person, firm or corporation allegedly causing the person's injuries, a hospital, physician ~~or~~, nurse, *or ambulance service*, in lieu of proceeding according to §§ 8.01-66.5 to 8.01-66.7, may file in the court wherein such suit is pending a petition to enforce the lien provided for in § 8.01-66.2 or § 8.01-66.9. Such petition shall be heard and disposed of in a summary way.

2. That § 43-63.1 of the Code of Virginia is repealed.