

SHORT TITLE: Liens; clarifying when ambulance service provider lien may be brought. Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1242

By: Smith

AS INTRODUCED

An Act relating to liens; amending Section 5, Chapter 194, O.S.L. 1995 (42 O.S. Supp. 1997, Section 49), which relates to ambulance service provider liens; clarifying when certain action may be brought; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 5, Chapter 194, O.S.L. 1995 (42 O.S. Supp. 1997, Section 49), is amended to read as follows:

Section 49. A. Every person, company, governmental entity, or trust authority operating an ambulance service within this state who or which performs ambulance services for any person injured as a result of the negligence or act of another shall, if the injured person asserts or maintains a claim against another person for damages on account of the injuries, have a lien for the amount due for the ambulance services upon any recovery or sum had or collected or to be collected by the injured person or the estate of the injured person in the event of the injured person's death, whether by judgment, settlement, or compromise. The lien shall be inferior to any lien or claim of any attorney handling the claim for or on behalf of the injured person. The lien shall not be applied or considered valid against any claim for amounts due pursuant to the provisions of Title 85 of the Oklahoma Statutes.

B. In addition to the lien provided for in subsection A of this section, every person, company, governmental entity, or trust authority operating an ambulance service within this state who or which performs ambulance services for any person injured as a result of the negligence or act of another shall have, if the injured person asserts or maintains a claim against an insurer, a lien for the amount due for the ambulance services upon any monies payable by the insurer to the injured person.

C. No lien which is provided for in this section shall be effective unless, before the payment of any monies to the injured person or the injured person's attorney or legal representative, as compensation for the injuries or death:

1. A written notice is sent setting forth an itemized statement of the amount claimed, identifying the insurance policy or policies against which the lien is asserted, if any, and containing the name and address of the person, company, governmental entity, or trust authority claiming the lien, the injured person, and the person, firm, or corporation against whom the claim is made, is filed on the mechanic's and materialman's lien docket in the office of the county clerk of the county where the principal office of the claimant is located; and

2. The claimant sends, by registered or certified mail, postage prepaid, a copy of the notice with a statement of the date of filing thereof to the person, firm, or corporation against whom the claim is made and to the injured person. The claimant shall also send a copy of the notice to the attorney for the injured person, if the name and address of the attorney is known to the claimant.

D. ~~The liens provided for in~~ A lien created pursuant to this section may be enforced by in a civil action in the district court of the county where the lien was filed. An action shall be brought within one (1) year ~~from the time of the filing of the lien with the county clerk~~ after the person, company, governmental entity, or

trust authority operating an ambulance service within this state
becomes aware of a final judgment, settlement, or compromise of the
claim asserted or maintained by or on behalf of the injured person.
The practice, pleading, and proceedings in the action shall conform
to the rules prescribed by the Oklahoma Pleading Code, ~~Section 2001~~
~~et seq. of Title 12 of the Oklahoma Statutes,~~ to the extent
applicable.

SECTION 2. This act shall become effective November 1, 1998.

46-2-2101

KSM