

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 895

Short Title: Clarify Medical Services Lien.

(Public)

Sponsors: Senator Daniel.

Referred to: Judiciary I.

April 17, 1989

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE ENFORCEABILITY OF VOLUNTARY ASSIGNMENT OF PROCEEDS OF PERSONAL INJURY RECOVERIES FOR RELATED MEDICAL SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 44-50 reads as rewritten:

"§ 44-50. Receiving person charged with duty of retaining funds for purpose stated; evidence; attorney's fees; charges.

Such a lien as provided for in G.S. 44-49 shall also attach upon all funds paid to any person in compensation for or settlement of the said injuries, whether in litigation or otherwise; and it shall be the duty of any person receiving the same before disbursement thereof to retain out of any recovery or any compensation so received a sufficient amount to pay the just and bona fide claims for such drugs, medical supplies, ambulance service and medical attention and/or hospital service, after having received and accepted notice thereof: Provided, that evidence as to the amount of such charges shall be competent in the trial of any such action: Provided, further, that nothing herein contained shall be construed so as to interfere with any amount due for attorney's services: Provided, further, that the lien hereinbefore provided for shall in no case, exclusive of attorneys' fees, exceed fifty percent (50%) of the amount of damages recovered. Provided, further, that nothing shall limit in any way the enforceability of a voluntary assignment of the proceeds of a personal injury recovery, exclusive of attorneys' fees and court costs, to pay for medical services received as a consequence of the personal injury to which the recovery relates."

1 Sec. 2. This act shall become effective October 1, 1989, and shall apply to
2 injuries occurring on or after that date.