

By: Representative Aguirre

To: Judiciary A

HOUSE BILL NO. 1335

1 AN ACT TO AUTHORIZE HOSPITALS TO HAVE LIENS FOR ALL
 2 REASONABLE AND NECESSARY CHARGES FOR HOSPITAL CARE, TREATMENT AND
 3 MAINTENANCE OF ILL OR INJURED PERSONS; TO PROVIDE THAT THE LIEN
 4 SHALL NOT APPLY TO ANY AMOUNT IN EXCESS OF ONE-THIRD OF THE
 5 DAMAGES OBTAINED OR RECOVERED BY SUCH PERSON BY JUDGMENT; TO
 6 PROVIDE THAT THE HOSPITAL LIEN SHALL BE SUBJECT AND SUBORDINATE TO
 7 ANY ATTORNEY'S LIEN WHETHER BY CONTRACT; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** (1) Except as otherwise provided in Sections
 10 85-7-301 through 85-7-317 for providers of burn care services,
 11 every person, firm, association, corporation, institution, or any
 12 governmental unit, including the State of Mississippi, any county
 13 or municipality operating and maintaining a hospital in this
 14 state, shall have a lien for all reasonable and necessary charges
 15 for hospital care, treatment and maintenance of ill or injured
 16 persons upon any and all causes of action, suits, claims,
 17 counterclaims or demands accruing to the person to whom such care,
 18 treatment or maintenance was furnished, or accruing to the legal
 19 representatives of such person in the case of such person's death,
 20 on account of illness or injuries giving rise to such causes of



21 action or claims and which necessitated such hospital care,
22 treatment and maintenance.

23 (2) The hospital lien, however, shall not apply to any
24 amount in excess of one-third (1/3) of the damages obtained or
25 recovered by such person by judgment, settlement or compromise
26 rendered or entered into by such person or such person's legal
27 representative by virtue of the cause of action accruing thereto.

28 (3) The lien herein created shall be subject and subordinate
29 to any attorney's lien whether by contract, suit or judgment upon
30 such claim or cause of action and shall not be applicable to
31 accidents or injuries within the purview of the Mississippi
32 Workers' Compensation Law, compiled in Title 71, Chapter 3 or any
33 liens filed pursuant to Title 85, Chapter 7, Article 19. Any such
34 lien arising out of a motor vehicle accident shall not take
35 priority over a mechanic's lien or prior recorded lien upon a
36 motor vehicle involved in such accident.

37 **SECTION 2.** This act shall take effect and be in force from
38 and after July 1, 2018.

