

1 AN ACT in relation to liens.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Hospital Lien Act is amended by changing
5 the title of the Act, changing Sections 0.01, 1, 2, 3, 4, and
6 5, and adding Section 0.5 as follows:

7 (770 ILCS 35/Act title)

8 An Act providing for a lien for health care facilities
9 ~~hospitals~~ rendering treatment and maintenance to injured
10 persons.

11 (770 ILCS 35/0.01) (from Ch. 82, par. 96.9)

12 Sec. 0.01. Short title. This Act may be cited as the
13 Health Care Facility Hospital Lien Act.

14 (Source: P.A. 86-1324.)

15 (770 ILCS 35/0.5 new)

16 Sec. 0.5. Definition. In this Act, "health care
17 facility" means a hospital, an ambulatory surgical treatment
18 center licensed under the Ambulatory Surgical Treatment
19 Center Act, or a postsurgical recovery care center authorized
20 under the Alternative Health Care Delivery Act.

21 (770 ILCS 35/1) (from Ch. 82, par. 97)

22 (Text of Section WITHOUT the changes made by P.A. 89-404,
23 which has been held unconstitutional)

24 Sec. 1. Lien created; notice required. Every health care
25 facility ~~hospital~~ rendering service in the treatment, care
26 and maintenance, of such injured person shall have a lien
27 upon all such claims and causes of action for the amount of
28 its reasonable charges at ward rates in such health care

1 facility hospital up to the date of payment of such damages.

2 Provided, however, that the total amount of all liens
3 hereunder shall not exceed one-third of the sum paid or due
4 to said injured person on said claim or right of action, and
5 provided further, that said lien shall in addition include a
6 notice in writing containing the name and address of the
7 injured person, the date of the injury, the name and address
8 of the health care facility hospital, and the name of the
9 party alleged to be liable to make compensation to such
10 injured person for the injuries received, shall be served on
11 both the injured person and the party against whom such claim
12 or right of action exists.

13 Service shall be made by registered mail or in person.

14 (Source: P.A. 89-280, eff. 1-1-96; parts of 89-626, eff.
15 8-9-96, not derived from 89-404.)

16 (770 ILCS 35/2) (from Ch. 82, par. 98)

17 (Text of Section WITHOUT the changes made by P.A. 89-404,
18 which has been held unconstitutional)

19 Sec. 2. The lien of such health care facility hospital
20 shall, from and after the time of service of the above stated
21 notice, attach to any verdict or judgment secured in any
22 action by the injured party based on the negligent or
23 wrongful act, and to any money or property which may be
24 recovered by compromise settlement, or in any action brought
25 by such injured person on account of such claim or right of
26 action. In case of death of the injured person, the lien
27 shall attach to any money or property which may be recovered
28 by compromise settlement or action on account of injuries not
29 resulting in the death of the injured person, or to any
30 verdict or judgment in any action brought by the estate of
31 the injured person against any other person for the recovery
32 of damages on account of injuries not resulting in the death
33 of the injured person.

1 (Source: P.A. 89-280, eff. 1-1-96.)

2 (770 ILCS 35/3) (from Ch. 82, par. 99)

3 Sec. 3. Any party to a cause pending in a court against
4 whom a claim shall be therein asserted for damages resulting
5 from such injuries shall, upon request in writing, be
6 permitted to examine the records of such health care facility
7 ~~hospital~~ in reference to such treatment, care and maintenance
8 of such injured person. Any health care facility ~~hospital~~
9 claiming a lien under this Act shall, within 10 days of being
10 so requested in writing by any such party, furnish to such
11 party, or file with the clerk of the court in which the cause
12 is pending, a written statement of the nature and extent of
13 the injuries sustained by and the treatment given to or
14 furnished for such injured person by such health care
15 facility ~~hospital~~ and the history, if any, as given by the
16 injured person, insofar as shown by the records of the
17 hospital as to the manner in which such injuries were
18 received.

19 (Source: Laws 1965, p. 3586.)

20 (770 ILCS 35/4) (from Ch. 82, par. 100)

21 Sec. 4. Should any health care facility ~~hospital~~ fail or
22 refuse to give or file a written statement in conformity with
23 and as required by Section 3 hereof after being so requested
24 in writing in conformity with Section 3 hereof, the lien of
25 such health care facility ~~hospital~~ shall immediately become
26 null and void.

27 (Source: Laws 1939, p. 700.)

28 (770 ILCS 35/5) (from Ch. 82, par. 101)

29 (Text of Section WITHOUT the changes made by P.A. 89-404,
30 which has been held unconstitutional)

31 Sec. 5. On petition filed by the injured person or

1 health care facility hospital, the circuit court shall, on
2 written notice to all interested adverse parties, adjudicate
3 the rights of all interested parties and enforce their liens:
4 Provided, that nothing herein contained shall affect the
5 priority of any attorney's lien under "An Act creating
6 attorney's lien and for enforcement of same", filed June 16,
7 1909, as amended.
8 (Source: P.A. 89-280, eff. 1-1-96.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.