

No. 512, S.]

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CHAPTER 418

AN ACT to create 289.80 of the statutes, relating to hospital liens for treatment of personal injuries sustained as a result of tortious conduct and not provided for under the workmen's compensation act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

289.80 of the statutes is created to read:

289.80 HOSPITAL LIENS. (1) Every corporation, association or other organization operating as a charitable institution and maintaining a hospital in this state shall have a lien for services rendered, by way of treatment, care or maintenance, to any person who has sustained personal in-

juries as a result of the negligence, wrongful act or any tort of any other person.

(2) Such lien shall attach to any and all rights of action, suits, claims, demands and upon any judgment, award or determination, and upon the proceeds of any settlement which such injured person, or his legal representatives might have against any such other person for damages on account of such injuries, for the amount of the reasonable and necessary charges of such hospital.

(3) No such lien shall be effective unless a written notice containing the name and address of the injured person, the date and location of the event causing such injuries, the name and location of the hospital, and if ascertainable by reasonable diligence, the names and addresses of the persons alleged to be liable for damages sustained by such injured person, shall be filed in the office of the clerk of circuit court in the county in which such injuries have occurred, or in the county in which such hospital is located, or in the county in which suit for recovery of such damages is pending, prior to the payment of any moneys to such injured person or his legal representatives, but in no event later than 30 days after discharge of such injured person from the hospital.

(a) The clerk of circuit court in every county shall, at the expense of the county, provide a suitable, well-bound book, to be called "the hospital lien docket", in which he shall enter the name of the injured person, the date of the event causing the injury and the name of the hospital or other institution making the claim. The said clerk shall make a proper index of the same in the name of the injured person and shall receive 25 cents for filing each such claim.

(b) Within 10 days after filing of the notice of lien, the hospital shall send by registered mail or serve personally a copy of such notice with the date of filing thereof to or upon the injured person and the person alleged to be liable for damages sustained by such injured person, if ascertained by reasonable diligence. If such hospital fails to give notice if the name and address of the person injured or the person allegedly liable for the injury are known or should be known, the lien shall be void.

(c) The hospital shall also serve a copy of such notice, as provided in par. (b), to any insurance carrier which has insured such person alleged to be liable for the injury against such liability, if the name and address may be ascertained by reasonable diligence.

(4) After filing and service of the notice of lien, no release of any judgment, claim or demand by the injured person shall be valid as against such lien, and the person making any payment to such injured person or his legal representatives as compensation for the injuries sustained shall, for a period of one year from the date of such payment, remain liable to the hospital for the amount of such lien.

(5) Such lien shall not in any way prejudice or interfere with any lien or contract which may be made by such injured person or his legal representatives with any attorney or attorneys for legal services rendered with respect to the claim of the injured person or his legal representatives against the person alleged to be liable for such injury. Said lien shall also be subservient to actual taxable court costs, and actual disbursements made by the attorney in prosecuting the court action.

(6) No hospital shall be entitled to any lien hereunder if the person injured is eligible for compensation under any workmen's compensation act.

Approved August 21, 1961.