



Sen. John G. Mulroe

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09700HB5823sam002

LRB097 16924 JLS 69925 a

1 AMENDMENT TO HOUSE BILL 5823

2 AMENDMENT NO. _____. Amend House Bill 5823 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Health Care Services Lien Act is amended by
5 changing Section 30 and by adding Section 50 as follows:

6 (770 ILCS 23/30)

7 Sec. 30. Adjudication of rights. On petition filed by the
8 injured person or the health care professional or health care
9 provider and on the petitioner's written notice to all
10 interested adverse parties, the circuit court shall adjudicate
11 the rights of all interested parties and enforce their liens.

12 A petition filed under this Section may be served upon the
13 interested adverse parties by personal service, substitute
14 service, or registered or certified mail.

15 (Source: P.A. 93-51, eff. 7-1-03.)

1 (770 ILCS 23/50 new)

2 Sec. 50. Subrogation claims. If a subrogation claim or
3 other right of reimbursement claim that arises out of the
4 payment of medical expenses or other benefits exists with
5 respect to a claim for personal injury or death, and the
6 personal injury or death estate claimant's recovery is
7 diminished:

8 (1) by comparative fault; or

9 (2) by reason of the uncollectibility of the full value
10 of the claim for personal injury or death resulting from
11 limited liability insurance;

12 the subrogation claim or other right of reimbursement claim
13 shall be diminished in the same proportion as the personal
14 injury or death estate claimant's recovery is diminished.
15 Unless otherwise agreed by the interested parties, the amount
16 of comparative fault and the full value of the claim shall be
17 determined by the court having jurisdiction over the matter.

18 After reduction of the subrogation claim or other right of
19 reimbursement claim due to either comparative fault or limited
20 liability insurance, or both, the party asserting the
21 subrogation claim or other right of reimbursement claim shall
22 bear a pro rata share of the personal injury or death estate
23 claimant's attorneys fees and litigation expenses. This
24 Section 50 does not apply to any holder of a lien under the
25 Workers' Compensation Act, the Workers' Occupational Diseases
26 Act, or this Act including, but not limited to, licensed

1 long-term care facilities, physicians, and hospitals, or to
2 claims made to recoup uninsured payments pursuant to Section
3 143a of the Illinois Insurance Code or underinsured payments
4 pursuant to Section 143a-2 of the Illinois Insurance Code. A
5 subrogation claim or other right of reimbursement claim may be
6 adjudicated even when a lien has not been filed regarding such
7 claim."