Chapter 7
Hospital Lien Law

38-7-1 Lien of hospital on judgment, settlement, or compromise in certain accident cases authorized.

(1)
(a) Except as provided in Subsection (3), a hospital located within the state that furnishes emergency, medical, or other service to a patient injured by reason of an accident is entitled to assert a lien upon that portion of the judgment, settlement, or compromise going or belonging to the patient, or, in the case of death, to the patient's heirs or personal representatives, less the amount paid by the patient, or on behalf of the patient by heirs or personal representatives, for attorney fees, court costs, and other necessary expenses incidental to obtaining the judgment, settlement, or compromise.
(b) No reduction of the asserted lien amount is allowed other than the amount paid by the patient, or the patient's heirs, or personal representatives for attorney fees, court costs, and other necessary expenses incidental to litigation, unless otherwise agreed to in writing by the lien claimant.
(c) The hospital lien does not apply to a judgment, settlement, or compromise where the amount is $100 or less.

(2) A hospital may file a lien described in Subsection (1) for the amount of the reasonable, usual, and necessary hospital charges for treatment, care, and maintenance of the injured party in the hospital up to the date of payment of the damages.

(3)
(a) Except as provided in Subsection (3)(b), a hospital may not assert a lien under Subsection (1) if the services provided by the hospital are covered by workers' compensation or private health insurance.
(b)
(i) A hospital that provides a service described in Subsection (3)(a) may assert a lien under Subsection (1) if:
(A) the private health insurer denies coverage; or
(B) the private health insurer does not pay the hospital within 180 days after the day on which the hospital bills the private health insurer.
(ii) A lien asserted under Subsection (3)(b)(i)(B) shall be withdrawn when the private health insurer pays the contracted amount, or, in the event there is no contract, the amount agreed to by the private health insurer and the hospital for the service rendered.
(iii) A hospital that provides a service described in Subsection (3)(a) may assert a lien under Subsection (1) for a copayment or deductible owed by the patient if the amount of the copayment or deductible conforms with any contractual discount provided by the hospital to the insurer.

Amended by Chapter 273, 2013 General Session

38-7-2 Notice of lien required -- Filing with district court -- Mailing to injured person, heirs or legal representative, and insurance carrier.

A hospital lien upon damages recovered or to be recovered for personal injuries or death shall be effective if:

(1) a verified written notice is filed in the district court of the county in which the hospital asserting the lien is located containing:
  (a) an itemized statement of the services rendered to the injured person and the dates of the services;
  (b) the name and address of the hospital making the claim;
  (c) the name of the person, firm, or corporation alleged to be liable to the injured party for the injuries and damages sustained; and
  (d) the full name and address of the injured person;
(2) the hospital sends by certified mail with return receipt requested, prior to the payment of any money to the injured person or the injured person's attorney or heirs or legal representatives as compensation for the injuries and/or damages sustained, a copy of the written notice, together with a statement of the date of filing, to the person, firm, or corporation alleged to be liable to the injured party for the injuries and/or damages sustained; and
(3) the hospital mails a copy of the written notice by certified mail with return receipt requested to the home office of any insurance carrier that has insured the person, firm, or corporation against liability, if the name and address is known.

Amended by Chapter 302, 2025 General Session

38-7-2.5 Failure to notify -- Effect -- Penalty.

(1)
  (a) A person who fails to meet the notice requirements of Subsections 38-7-2(1) and (2) is precluded from receiving an award of costs and attorneys' fees from the person against whom a notice of lien has been filed in an action to enforce the lien if costs and attorneys' fees are authorized by contract or statute.
  (b) Subsection (1)(a) does not create a right to costs and attorneys' fees.
(2) In addition to the penalties provided in Subsection (1)(a), a lien claimant who, within 20 days from the date of receiving notice of noncompliance with the notice requirements of Subsection 38-7-2(1) or (2), willfully refuses to release the notice of lien or record the lien in compliance with Section 38-7-2 is liable to the person against whom the notice of lien was filed for $1,000 or for treble damages, whichever is greater.
(3) Failure to meet the notice requirements of Subsections 38-7-2(1) and (2) does not:
  (a) invalidate any lien arising at common law or in equity or by any statute of this state; or
  (b) affect the rules of priority provided in Title 70A, Chapter 9a, Uniform Commercial Code - Secured Transactions.

Amended by Chapter 252, 2000 General Session

38-7-3 Parties or insurance carrier making payment liable for satisfaction of lien -- Enforcement of lien.

(1) Any person, firm or corporation, including an insurance carrier, making any payment to a patient or to the patient's attorney, heirs or legal representative as compensation for the injuries and/or damages sustained, after the filing and, if applicable, receipt of written notice of the lien, as aforesaid, and without paying the hospital asserting the lien the amount of its lien or that portion of the lien which can be satisfied out of the money due under any final judgment or contract of compromise or settlement, less payment of the amount of any prior liens, shall be liable to the hospital for the amount that the hospital was entitled to receive.

(2) Liability of the person, firm or corporation for the satisfaction of the hospital lien shall continue for a period of one year from and after the date of any payment of any money to the patient, the patient's heirs or legal representatives as damages or under a contract of compromise or settlement. Any hospital may enforce its lien by a suit at law against the person, firm or corporation making the payment. In the event of a suit to enforce a lien the hospital may recover a reasonable attorney's fee and the costs of filing and recording the lien.

Amended by Chapter 365, 2024 General Session

38-7-4 Hospital lien docket provided by district court -- Contents.

Every district court shall, at the expense of the county, provide and maintain a suitable bound book to be called the hospital lien docket, and in which shall be entered any hospital lien claim filed. The district court shall enter the name of the injured person, the name of the person, firm, or corporation alleged to be liable for the injuries and damages, the date and place of the accident, and the name of the hospital or other institution making the claim. The district court shall also maintain a proper index of the hospital lien docket under the name of the injured person.

Amended by Chapter 167, 1996 General Session

38-7-5 Release of lien by hospital -- Execution and filing -- Notification to injured patient.

The hospital shall, upon receipt of payment of the lien or the portion recoverable under the lien:
(1) execute and file, at the expense of the hospital, a release of lien; and
(2) mail, at the expense of the hospital, notice of the release of lien described in Subsection (1) to the injured patient, the patient's heirs, or the patient's personal representative.

Amended by Chapter 328, 2019 General Session

38-7-7 Interest of hospital in claim settlement limited.

Nothing in this act shall be construed to permit any hospital to be a party to or to have any interest in the amount or manner of any settlement of any claim on which a lien has been filed other than the lien rights as provided in this act.

Enacted by Chapter 75, 1965 General Session

38-7-8 Short title.

This act may be known as the Hospital Lien Law.

Enacted by Chapter 75, 1965 General Session