**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑59‑245 SO AS TO CREATE A LIEN UPON ANY SUM RECOVERED AS DAMAGES FOR PERSONAL INJURY IN A CLAIM, CIVIL ACTION, OR BOTH, TO PROVIDE THE LIEN APPLIES TO SUCH DAMAGES RECOVERED AFTER DECEMBER 31, 2016, TO PROVIDE THE LIEN IS IN FAVOR OF A PERSON TO WHOM THE PERSON RECOVERING THE DAMAGES MAY BE INDEBTED FOR CERTAIN REASONABLE AND NECESSARY EXPENSES IN CONNECTION WITH THE PERSONAL INJURY, TO PROVIDE FOR THE DEFINITION AND CONSTRUCTION OF NECESSARY TERMS, AND TO PROVIDE WHERE DAMAGES ARE RECOVERED ON BEHALF OF A MINOR OR A MENTALLY INCOMPETENT PERSON, THE LIEN WILL ATTACH TO THE SUM RECOVERED AS FULLY AS IF THE PERSON WERE MENTALLY COMPETENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 2, Chapter 59, Title 38 of the 1976 Code is amended by adding:

“Section 38‑59‑245. (A) There is created a lien upon any sum recovered as damages for personal injury in a claim, civil action, or both in this State after December 31, 2016. This lien is in favor of a person to whom the person recovering the damages may be indebted for reasonable and necessary expenses in connection with the personal injury for:

(1) drugs;

(2) medical supplies;

(3) ambulance services;

(4) services rendered by a physician, dentist, nurse, or hospital, or hospital attention;

(5) other services rendered; or

(6) any combination of items (1) through (5).

(B) For the purposes of this section:

(1) ‘person’ includes a human being, corporation, this State, or a political subdivision of this State; and

(2) a reference to a person recovering damages must be construed to include a person recovering damages for or on behalf of another.

(C) Where damages are recovered on behalf of a minor or a mentally incompetent person, the lien will attach to the sum recovered as fully as if the person were mentally competent.”

SECTION 2. This act takes effect upon approval by the Governor.

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