

**Chapter 60.44 RCW**  
**LIEN OF DOCTORS, NURSES, HOSPITALS, AMBULANCE SERVICES**

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*Lien of department of social and health services for medical care of injured recipient, payment of tort feisor or tort feisor's insurer does not discharge lien: RCW 74.09.180, 43.20B.040, and 43.20B.050.*

*Lien on funds withheld by employer from employee's pay: RCW 49.52.030 and 49.52.040.*

**RCW 60.44.010 Liens authorized.** Every operator, whether private or public, of an ambulance service or of a hospital, and every duly licensed nurse, practitioner, physician, and surgeon rendering service, or transportation and care, for any person who has received a traumatic injury and which is rendered by reason thereof shall have a lien upon any claim, right of action, and/or money to which such person is entitled against any tort-feasor and/or insurer of such tort-feasor for the value of such service, together with costs and such reasonable attorney's fees as the court may allow, incurred in enforcing such lien: PROVIDED, HOWEVER, That nothing in this chapter shall apply to any claim, right of action, or money accruing under the workers' compensation act of the state of Washington, and: PROVIDED, FURTHER, That all the said liens for service rendered to any one person as a result of any one accident or event shall not exceed twenty-five percent of the amount of an award, verdict, report, decision, decree, judgment, or settlement. [1987 c 185 s 36; 1975 1st ex.s. c 250 s 1; 1937 c 69 s 1; RRS s 1209-1.]

**Intent—Severability—1987 c 185:** See notes following RCW 51.12.130.

**RCW 60.44.020 Person entitled to lien under RCW 60.44.010—Notice of lien—Contents—Filing.** No person shall be entitled to the lien given by RCW 60.44.010 unless such person:

- (1) In any effort to enforce the lien, either attempts to enforce the lien on his or her own behalf or designates a collection agency licensed under chapter 19.16 RCW to collect on his or her behalf;
- (2) Discloses the person's use of liens under this chapter as part of the person's billing and collection practices; and
- (3) Within twenty days after the date of such injury or receipt of transportation or care, or, if settlement has not been accomplished and payment made to such injured person, then at any time before such settlement and payment, files for record with the county auditor of the county in which said service was performed, a notice of claim

stating the name and address of the person claiming the lien and whether such person claims as a practitioner, physician, nurse, ambulance service, or hospital, the name and address of the patient and place of domicile or residence, the time when and place where the alleged fault or negligence of the tort-feasor occurred, and the nature of the injury if any, the name and address of the tort-feasor, if same or any thereof are known, which claim shall be subscribed by the claimant and verified before a person authorized to administer oaths. [2015 c 201 s 1; 1975 1st ex.s. c 250 s 2; 1937 c 69 s 2; RRS s 1209-2.]

**RCW 60.44.030 Record of claims.** The county auditor shall record the claims mentioned in this chapter, which record must be indexed as deeds and other conveyances are required by law to be indexed. [1999 c 233 s 6; 1937 c 69 s 3; RRS s 1209-4.]

**Effective date—1999 c 233:** See note following RCW 4.28.320.

**RCW 60.44.040 Taking note—Effect on lien.** The taking of a promissory note or other evidence of indebtedness for any services performed, as provided in this chapter, shall not discharge the lien therefor unless expressly received as a payment for such services and so specified therein. [1937 c 69 s 4; RRS s 1209-4.]

**RCW 60.44.050 Settlement of damages—Effect on lien.** No settlement made by and between the patient and tort feisor and/or insurer shall discharge the lien against any money due or owing by such tort feisor or insurer to the patient or relieve the tort feisor and/or insurer from liability by reason of such lien unless such settlement also provides for the payment and discharge of such lien or unless a written release or waiver of any such claim of lien, signed by the claimant, be filed in the court where any action has been commenced on such claim, or in case no action has been commenced against the tort feisor and/or insurer, then such written release or waiver shall be delivered to the tort feisor and/or insurer. [1937 c 69 s 5; RRS s 1209-5.]

**RCW 60.44.060 Enforcement of lien—Payment as evidence—Release of lien.** (1) Such lien may be enforced by a suit at law brought by the claimant or his or her assignee within one year after the filing of such lien against the said tort feisor and/or insurer. In the event that such tort feisor and/or insurer shall have made payment or settlement on account of such injury, the fact of such payment shall only for the purpose of such suit be prima facie evidence of the negligence of the tort feisor and of the liability of the payer to compensate for such negligence.

(2) No more than thirty days after payment or settlement and acceptance of the amount due to the claimant or his or her assignee, the claimant or his or her assignee shall prepare and execute a release of all lien rights for which payment has been made and deliver the release to the patient. In any suit to compel deliverance of the release thereafter in which the court determines the delay was

unjustified, the court shall, in addition to ordering the deliverance of the release, award the costs of the action including reasonable attorneys' fees and any damages. [2015 c 201 s 2; 2012 c 117 s 153; 1937 c 69 s 6; RRS s 1209-6.]