

HOUSE AMENDMENTS TO HOUSE BILL 2222

By COMMITTEE ON JUDICIARY

March 22

- 1 On page 1 of the printed bill, line 2, after "ORS" insert "87.490 and".
- 2 In line 5, delete "9" and insert "10".
- 3 In line 7, delete "9" and insert "10".
- 4 In line 21, after "shall" insert "promptly".
- 5 In line 29, delete the second "a" and insert "any".
- 6 On page 2, line 4, after "5." insert "(1)".
- 7 In line 6, delete "(1)" and insert "(a)".
- 8 Delete lines 13 through 16 and insert:
- 9 "(b) Prior to the date of the satisfaction of the judgment or final payment under a settlement
- 10 or compromise, deliver a copy of the notice of lien by certified mail or personal service to all parties
- 11 bound by the judgment, settlement or compromise or to an attorney or insurer that represents a
- 12 party bound by the judgment, settlement or compromise. The department may send the notice by
- 13 first class mail to any party, attorney or insurer that does not accept the certified mail containing
- 14 the notice.
- 15 "(2) Upon the recording of a notice of lien under subsection (1)(a) of this section, the recording
- 16 officer shall enter the name of the injured person, the approximate date of the injury and the name
- 17 of the department as a lienor in the hospital and physician lien docket under ORS 87.575 and shall
- 18 make an index to the hospital and physician lien docket in the names of the injured person and the
- 19 department."
- 20 In line 45, delete "the person or entity" and insert "all parties".
- 21 On page 3, line 3, after "send" insert "by certified mail" and after "to" delete the rest of the line
- 22 and line 4 and insert "all parties bound by the judgment, settlement or compromise or to an attorney
- 23 or insurer that represents a party bound by the judgment, settlement or compromise. The depart-
- 24 ment may send the statement by first class mail to any party, attorney or insurer that does not ac-
- 25 cept the certified mail containing the statement."
- 26 In line 9, delete "State of Oregon for the use and benefit of the".
- 27 In line 10, delete "for a period of 180 days after the date of the payment".
- 28 After line 16, insert:
- 29 **"SECTION 10. The Department of Justice may initiate an action under sections 8 and 9**
- 30 **of this 2005 Act in the circuit court for Marion County, the county where the compensable**
- 31 **crime occurred or the county in which any party bound by the judgment, settlement or**
- 32 **compromise resides."**
- 33 In line 17, delete "10" and insert "11".
- 34 In line 19, delete "9" and insert "10".
- 35 After line 22, insert:

1 “**SECTION 12.** ORS 87.490 is amended to read:

2 “87.490. (1) Except for tax liens, prior encumbrances and prior liens of record on the real or
3 personal property subject to the lien created by ORS 87.445, the lien created by ORS 87.445 is su-
4 perior to all other liens, **including a lien created by section 4 of this 2005 Act.**

5 “(2) When the lien of an attorney created under ORS 87.445 attaches to a judgment allowing or
6 enforcing a client’s lien, the attorney’s lien has the same priority as the client’s lien with regard to
7 personal or real property subject to the client’s lien.”.

8 In line 23, delete “11” and insert “13”.

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