



CHAPTER 44

ARTICLE 9 - LIENS UPON RECOVERIES FOR PERSONAL INJURIES TO SECURE SUMS DUE FOR MEDICAL ATTENTION, ETC

N.C.G.S. § 44-49.

Lien created; applicable to persons non sui juris.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2023-133, s. 13 — ninth act in the lineage	21 September 2026, 03:23 UTC	29bcca6480d34ca6343e7fd6 - 0133bc1e57322029bed826af - b3becfd4aea89cd1

§ 44-49(a) From and after March 26, 1935, there is hereby created a lien upon any sums recovered as damages for personal injury in any civil action in this State. This lien is in favor of any person, corporation, State entity, municipal corporation or county to whom the person so recovering, or the person in whose behalf the recovery has been made, may be indebted for any drugs, medical supplies, ambulance services, services rendered by any physician, dentist, nurse, or hospital, or hospital attention or services rendered in connection with the injury in compensation for which the damages have been recovered. Where damages are recovered for and in behalf of minors or persons non compos mentis, the liens shall attach to the sum recovered as fully as if the person were sui juris. The priority of a lien held by the State Health Plan for Teachers and State Employees shall be superior to all nongovernmental liens and rights, whether such liens and rights are prior or subsequent to the lien.

§ 44-49(b) Notwithstanding subsection (a) of this section, no lien provided for under subsection (a) of this section is valid with respect to any claims whatsoever unless the physician, dentist, nurse, hospital, corporation, or other person entitled to the lien furnishes, without charge to the attorney as a condition precedent to the creation of the lien, upon request to the attorney representing the person in whose behalf the claim for personal injury is made, within 60 days of receipt of the request, an itemized statement, hospital record, or medical report for the use of the attorney in the negotiation, settlement, or trial of the claim arising by reason of the personal injury, and a written notice to the attorney of the lien claimed.

§ 44-49(c)

No action shall lie against any clerk of court or any surety on any clerk's bond to recover any claims based upon any lien or liens created under subsection (a) of this section when recovery has been had by the person injured, and no claims against the recovery were filed with the clerk by any person or corporation, and the clerk has otherwise disbursed according to law the money recovered in the action for personal injuries.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
9 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1935	1979		2023
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT	
Nº	YEAR	ACT	CHARACTER
01	1935	c. 121, s. 1	ENACTED
02	1947	c. 1027	AMENDED
03	1959	c. 800, s. 1	AMENDED
04	1967	c. 1204, s. 1	AMENDED
05	1969	c. 450, s. 1	AMENDED
06	2001	S.L. 2001-377, s. 1	AMENDED
07	2001	S.L. 2001-487, s. 59	AMENDED
08	2018	S.L. 2018-52, s. 5(b)	AMENDED
09	2023	S.L. 2023-133, s. 13	AMENDED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 44-49 (2023).

PINPOINT

N.C. Gen. Stat. § 44-49(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1935, c. 121, s. 1; 1947, c. 1027; 1959, c. 800, s. 1; 1967, c. 1204, s. 1; 1969, c. 450, s. 1; 2001-377, s. 1; 2001-487, s. 59; 2018-52, s. 5(b); 2023-133, s. 13.)

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