

(C) OF THIS SECTION IS VOLUNTARILY PAID BY THE INJURED PERSON FROM THE INJURED PERSON'S RECOVERY IN A CLAIM FOR PERSONAL INJURY.

(2) THIS SECTION DOES NOT APPLY TO A VOLUNTARY REDUCTION OF A SUBROGATION CLAIM BY A PAYOR THAT EXCEEDS THE REDUCTION OF THE SUBROGATION CLAIM DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

(C) (1) ~~UNLESS A SUBROGEE APPEARS, IN PERSON OR BY ITS ATTORNEY, IN AN ACTION FOR PERSONAL INJURY~~ FILES A PETITION TO INTERVENE IN THE PERSONAL INJURY ACTION AND IS INDEPENDENTLY REPRESENTED BY COUNSEL, IN A SUBROGATION CLAIM ARISING OUT OF A CLAIM FOR PERSONAL INJURY, THE AMOUNT PERMITTED TO BE RECOVERED BY A PAYOR FOR HEALTH CARE BENEFITS OR SERVICES PAID OR PAYABLE ON BEHALF OF THE INJURED PERSON SHALL BE REDUCED BY THE AMOUNT THAT IS DETERMINED BY:

(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, DIVIDING THE AMOUNT OF THE TOTAL RECOVERY IN THE CLAIM FOR PERSONAL INJURY INTO THE TOTAL AMOUNT OF THE ATTORNEY'S FEES INCURRED BY THE INJURED PERSON FOR SERVICES RENDERED IN CONNECTION WITH THE INJURED PERSON'S CLAIM; AND

(II) MULTIPLYING THE RESULT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY THE AMOUNT OF THE PAYOR'S SUBROGATION CLAIM.

(2) THE PERCENTAGE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY NOT EXCEED ONE-THIRD.

(D) A PAYOR HAS NO OBLIGATION TO ADVISE AN INJURED PERSON OR AN ATTORNEY FOR THE INJURED PERSON OF THE INJURED PERSON'S RIGHT TO A REDUCTION OF THE SUBROGATION CLAIM DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

(E) ON WRITTEN REQUEST BY A PAYOR, AN INJURED PERSON OR AN ATTORNEY FOR THE INJURED PERSON WHO DEMANDS A REDUCTION OF THE SUBROGATION CLAIM DESCRIBED IN SUBSECTION (C) OF THIS SECTION SHALL PROVIDE THE PAYOR WITH A CERTIFICATION BY THE INJURED PERSON THAT STATES THE AMOUNT OF THE ATTORNEY'S FEES INCURRED BY THE INJURED PERSON FOR SERVICES RENDERED IN CONNECTION WITH THE INJURED PERSON'S CLAIM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any recovery by an injured person before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1999.

Approved May 27, 1999.