

Act No. 219  
Public Acts of 2013  
Approved by the Governor  
December 21, 2013  
Filed with the Secretary of State  
December 26, 2013  
EFFECTIVE DATE: January 1, 2014

**STATE OF MICHIGAN  
97TH LEGISLATURE  
REGULAR SESSION OF 2013**

Introduced by Reps. Graves, Cotter, Schmidt, Rendon, Hovey-Wright, Slavens, Knezek and Oakes

# ENROLLED HOUSE BILL No. 4771

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 410b.

*The People of the State of Michigan enact:*

Sec. 410b. (1) A person shall not intentionally contact any individual that the person knows has sustained a personal injury as a direct result of a motor vehicle accident, or an immediate family member of that individual, with a direct solicitation to provide a service until the expiration of 30 days after the date of that motor vehicle accident. This subsection does not apply if either of the following circumstances exists:

(a) The individual or his or her immediate family member has requested the contact from that person.

(b) The person is an employee or agent of an insurance company and the person is contacting the individual or his or her family member on behalf of that insurance company to adjust a claim. This subdivision does not apply to a referral of the individual or his or her immediate family member to an attorney or to any other person for representation by an attorney.

(2) As used in this section:

(a) "Direct solicitation to provide a service" means a verbal or written solicitation or offer, including by electronic means, made to the injured individual or a family member seeking to provide a service for a fee or other remuneration that is based upon the knowledge or belief that the individual has sustained a personal injury as a direct result of a motor vehicle accident and that is directed toward that individual or a family member.

(b) "Immediate family member" means the individual's spouse, parent, child, or sibling.

(c) "Personal injury" means any physical or mental injury, including wrongful death.

(3) A person who violates this section is guilty of a misdemeanor punishable as follows:

(a) Except as provided in subsection (b), by a fine of not more than \$30,000.00.

(b) For a second or subsequent violation of this section, by imprisonment for not more than 1 year or a fine of not more than \$60,000.00, or both.

(4) The court may order an individual convicted of violating this section to pay the costs of prosecution as provided in the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

Enacting section 1. This amendatory act takes effect January 1, 2014.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4770 of the 97th Legislature is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor

**Compiler's note:** House Bill No. 4770, referred to in enacting section 2, was filed with the Secretary of State December 26, 2013, and became 2013 PA 218, Eff. Jan. 1, 2014.