

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4771

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 410b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 410B. (1) A PERSON SHALL NOT INTENTIONALLY CONTACT ANY
2 INDIVIDUAL THAT THE PERSON KNOWS HAS SUSTAINED A PERSONAL INJURY AS
3 A DIRECT RESULT OF A MOTOR VEHICLE ACCIDENT, OR AN IMMEDIATE FAMILY
4 MEMBER OF THAT INDIVIDUAL, WITH A DIRECT SOLICITATION TO PROVIDE A
5 SERVICE UNTIL THE EXPIRATION OF 30 DAYS AFTER THE DATE OF THAT
6 MOTOR VEHICLE ACCIDENT. THIS SUBSECTION DOES NOT APPLY IF EITHER OF
7 THE FOLLOWING CIRCUMSTANCES EXISTS:

8 (A) THE INDIVIDUAL OR HIS OR HER IMMEDIATE FAMILY MEMBER HAS
9 REQUESTED THE CONTACT FROM THAT PERSON.

1 (B) THE PERSON IS AN EMPLOYEE OR AGENT OF AN INSURANCE COMPANY
2 AND THE PERSON IS CONTACTING THE INDIVIDUAL OR HIS OR HER FAMILY
3 MEMBER ON BEHALF OF THAT INSURANCE COMPANY TO ADJUST A CLAIM. THIS
4 SUBDIVISION DOES NOT APPLY TO A REFERRAL OF THE INDIVIDUAL OR HIS
5 OR HER IMMEDIATE FAMILY MEMBER TO AN ATTORNEY OR TO ANY OTHER
6 PERSON FOR REPRESENTATION BY AN ATTORNEY.

7 (2) AS USED IN THIS SECTION:

8 (A) "DIRECT SOLICITATION TO PROVIDE A SERVICE" MEANS A VERBAL
9 OR WRITTEN SOLICITATION OR OFFER, INCLUDING BY ELECTRONIC MEANS,
10 MADE TO THE INJURED INDIVIDUAL OR A FAMILY MEMBER SEEKING TO
11 PROVIDE A SERVICE FOR A FEE OR OTHER REMUNERATION THAT IS BASED
12 UPON THE KNOWLEDGE OR BELIEF THAT THE INDIVIDUAL HAS SUSTAINED A
13 PERSONAL INJURY AS A DIRECT RESULT OF A MOTOR VEHICLE ACCIDENT AND
14 THAT IS DIRECTED TOWARD THAT INDIVIDUAL OR A FAMILY MEMBER.

15 (B) "IMMEDIATE FAMILY MEMBER" MEANS THE INDIVIDUAL'S SPOUSE,
16 PARENT, CHILD, OR SIBLING.

17 (C) "PERSONAL INJURY" MEANS ANY PHYSICAL OR MENTAL INJURY,
18 INCLUDING WRONGFUL DEATH.

19 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
20 MISDEMEANOR PUNISHABLE AS FOLLOWS:

21 (A) EXCEPT AS PROVIDED IN SUBSECTION (B), BY A FINE OF NOT
22 MORE THAN \$30,000.00.

23 (B) FOR A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION, BY
24 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
25 \$60,000.00, OR BOTH.

26 (4) THE COURT MAY ORDER AN INDIVIDUAL CONVICTED OF VIOLATING
27 THIS SECTION TO PAY THE COSTS OF PROSECUTION AS PROVIDED IN THE

1 CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 760.1 TO 777.69.

2 Enacting section 1. This amendatory act takes effect January
3 1, 2014.

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