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 ANY FAMILY MEMBER

4 OF THAT INDIVIDUAL, WITH A DIRECT SOLICITATION TO PROVIDE A SERVICE

5 UNTIL THE EXPIRATION OF 30 DAYS AFTER THE DATE OF THAT MOTOR

6 VEHICLE ACCIDENT. THIS SUBSECTION DOES NOT APPLY IF THE INDIVIDUAL

7 HAS REQUESTED THE CONTACT FROM THAT PERSON.

8   (2) AS USED IN THIS SECTION:

9   (A) "DIRECT SOLICITATION TO PROVIDE A SERVICE" MEANS A VERBAL

1 OR WRITTEN SOLICITATION OR OFFER, INCLUDING BY ELECTRONIC MEANS,

2 MADE TO THE INJURED INDIVIDUAL OR A FAMILY MEMBER SEEKING TO

3 PROVIDE A SERVICE FOR A FEE OR OTHER REMUNERATION THAT IS BASED

4 UPON THE KNOWLEDGE OR BELIEF THAT THE INDIVIDUAL HAS SUSTAINED A

5 PERSONAL INJURY AS A DIRECT RESULT OF A MOTOR VEHICLE ACCIDENT AND

6 THAT IS DIRECTED TOWARD THAT INDIVIDUAL OR A FAMILY MEMBER.

7 (B) "PERSONAL INJURY" MEANS ANY PHYSICAL OR MENTAL INJURY,

8 INCLUDING WRONGFUL DEATH.

9 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A

10 MISDEMEANOR PUNISHABLE AS FOLLOWS:

11 (A) EXCEPT AS PROVIDED IN SUBSECTION (B), BY A FINE OF NOT

12 MORE THAN $15,000.00.

13 (B) FOR A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION, [BY

14 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN

15 $30,000.00, OR BOTH.]

16 (4) THE COURT MAY ORDER AN INDIVIDUAL CONVICTED OF VIOLATING

17 THIS SECTION TO PAY THE COSTS OF PROSECUTION AS PROVIDED IN THE

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

19 [Enacting section 1. This amendatory act does not take effect

20 unless House Bill No. 4770 of the 97th Legislature is enacted into law.

21

22

23   ]