

ASSEMBLY, No. 1488

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblyman DORIA

1 AN ACT concerning the conduct of certain professionals and the use
2 of motor vehicle accident reports, supplementing chapter 40A of
3 Title 2C of the New Jersey Statutes and amending R.S.39:4-131.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. (New section) An attorney, physician, chiropractor or other
9 health care professional licensed or certified to practice in this State,
10 with the intent of obtaining professional employment for himself or
11 another, shall not contact a person or that person's relative concerning
12 an action for personal injury or wrongful death or an action that
13 otherwise relates to an accident or disaster involving that person for
14 a period of 31 days after the date on which the accident or disaster
15 occurred. This prohibition shall not apply if the person or his relative,
16 as the case may be, had a previous business relationship with the
17 professional. This prohibition shall not apply to recommendations or
18 referrals by past or present clients or patients, friends, relatives or
19 other individuals relying on the reputation of the professional,
20 provided that the recommendation or referral is not made for monetary
21 remuneration. This prohibition shall not apply to referrals secured
22 through traditional advertising such as radio, television, newspapers
23 or magazines. In the case of a motor vehicle accident, this prohibition
24 shall apply only if the person involved has declined such contacts
25 pursuant to R.S.39:4-131.

26 A person who violates the provisions of this section shall be guilty
27 of a crime of the fourth degree.

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29 2. R.S.39:4-131 is amended to read as follows:

30 39:4-131. The division shall prepare and supply to police
31 departments and other suitable agencies, forms for accident reports
32 calling for sufficiently detailed information with reference to a motor
33 vehicle accident, including the cause, the conditions then existing, the
34 persons and vehicles involved, the compliance with P.L.1984, c.179

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (C.39:3-76.2e et seq.) by the operators and passengers of the vehicles
2 involved in the accident, and such information as the director may
3 require. The forms shall contain a means of indicating if a person
4 involved in an accident does not desire to be contacted by persons
5 seeking to obtain professional employment pursuant to section 1 of
6 P.L. c. (C.) (now pending before the Legislature as this
7 bill).

8 Every law enforcement officer who investigates a vehicle accident
9 of which a report must be made as required in this Title, or who
10 otherwise prepares a written report as a result of an accident or
11 thereafter by interviewing the participants or witnesses, shall forward
12 a written report of such accident to the division, on forms furnished by
13 it, within five days after his investigation of the accident.

14 Such written reports required to be forwarded by law enforcement
15 officers and the information contained therein shall not be privileged
16 or held confidential. Every citizen of this State shall have the right,
17 during regular business hours and under supervision, to inspect and
18 copy such reports and shall also have the right in person to purchase
19 copies of the reports at the same fee established by section 2 of
20 P.L.1963, c.73 (C.47:1A-2). If copies of reports are requested other
21 than in person, an additional fee of up to \$5.00 for the first three pages
22 and \$1.00 per page thereafter may be added to cover the
23 administrative costs of the report.

24 The provisions of any other law or regulation to the contrary
25 notwithstanding, reports obtained pursuant to this act shall not be
26 subject to confidentiality requirements except as provided by section
27 28 of P.L.1960, c.52 (C.2A:84A-28).
28 (cf: P.L.1987, c.26, s.1)

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30 3. (New section) An attorney, physician, chiropractor or other
31 health care professional licensed or certified to practice in this State,
32 with the intent of obtaining professional employment for himself or
33 another, who employs or otherwise engages a third party for the
34 purpose of contacting a person or that person's relative concerning a
35 specific action for personal injury or wrongful death or an action that
36 otherwise relates to a specific accident or disaster involving that
37 person is guilty of a crime of the fourth degree.

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39 4. (New section) Any person who accepts employment or is
40 otherwise engaged by an attorney, physician, chiropractor or other
41 health care professional licensed or certified to practice in this State,
42 with the intent of obtaining employment for the professional or another
43 by contacting a person or that person's relative concerning a specific
44 action for personal injury or wrongful death or an action that
45 otherwise relates to a specific accident or disaster involving that
46 person is guilty of a crime of the fourth degree.

1 The bill's provisions would not apply if the person had a prior
2 business relationship with the professional, the referral was made
3 without monetary remuneration or it was secured through traditional
4 advertising.

5 The bill also requires the Director of Motor Vehicles to amend the
6 accident report form prescribed in R.S.39:4-131 to permit an accident
7 victim to decline to be contacted by such professionals.

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12 Prohibits certain persons from contacting accident and disaster
13 victims to solicit business for 31 days after incident.