

**SENATE, No. 693**

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**STATE OF NEW JERSEY**

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INTRODUCED FEBRUARY 15, 1996

**By Senator BUBBA**

1   **AN ACT** concerning the conduct of certain professionals and  
2   supplementing chapter 40A of Title 2C of the New Jersey Statutes.  
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4   **BE IT ENACTED** by the *Senate and General Assembly of the State*  
5   *of New Jersey*:

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7       1. (New section) a. No physician, chiropractor or other health care  
8   professional licensed or certified to practice in this State, or person  
9   employed by or acting on behalf of such person, with the purpose of  
10   obtaining professional employment for himself or another, shall  
11   contact a person or that person's relative concerning an action for  
12   personal injury or wrongful death or an action that otherwise relates  
13   to an accident or disaster involving that person for a period of 31 days  
14   after the date on which the accident or disaster occurred.

15       b. No attorney, or person employed by or acting on behalf of an  
16   attorney, with the purpose of obtaining professional employment for  
17   himself or another, shall contact a person or that person's relative  
18   concerning an action for personal injury or wrongful death or an action  
19   that otherwise relates to an accident or disaster involving that person  
20   in violation of the Rules of Professional Conduct governing contact  
21   with prospective clients.

22       c. Subsection a. of this section shall not apply if the person or his  
23   relative, as the case may be, had a previous business relationship with  
24   the professional.

25       d. Subsection a. of this section shall not apply to recommendations  
26   or referrals by past or present clients or patients, friends, relatives or  
27   other individuals relying on the reputation of the professional,  
28   provided that the recommendation or referral is not made for monetary  
29   remuneration.

30       e. Subsection a. of this section shall not apply to any solicitation  
31   through traditional advertising which is not directed to the victim or  
32   victims of a specific accident or disaster.

33       f. Subsection a. of this section shall not apply to emergency  
34   medical care.

35       g. A person who violates the provisions of this section shall be  
36   guilty of a crime of the fourth degree.

37       2. This act shall take effect on the first day of the third month after

## 1 enactment.

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## STATEMENT

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6 This bill would make it a crime of the fourth degree for physicians,  
7 chiropractors and other health care professionals, and persons  
8 employed by or acting on their behalf, to contact victims of accidents  
9 or disasters or their relatives concerning personal injury or wrongful  
10 death actions for a period of 31 days after the incident occurred. The  
11 bill would also make it a crime of the fourth degree for persons  
12 employed by attorneys or acting on their behalf from doing so in  
13 violation of the Rules of Professional Conduct governing contact with  
14 prospective clients. A crime of the fourth degree is punishable by a  
15 term of imprisonment not to exceed 18 months, a fine of up to \$7500  
16 or both.

17 The bill's provisions would not apply if the person had a prior  
18 business relationship with the professional; to recommendations or  
19 referrals by past or present clients or patients, friends, relatives or  
20 other individuals relying on the reputation of the professional, if the  
21 recommendation is not made for monetary remuneration; to  
22 solicitations through traditional advertising not directed to the victim  
23 or victims of a specific accident or disaster; or to emergency medical  
24 care.

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