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SYNOPSIS
Bars solicitation of professional employment for 30 days after date of accident or disaster under certain circumstances.

CURRENT VERSION OF TEXT
As amended by the Senate on December 15, 2011.

(Sponsorship Updated As Of: 1/10/2012)
AN ACT concerning certain solicitations \[ by attorneys \] \[ and \] amending P.L.1999, c.325 \[ and supplementing Title 2C of the New Jersey Statutes \].

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

1. (New section) The Legislature finds and declares that, increasingly, certain \[ attorneys \] professionals are sending intrusive and unwarranted solicitation letters to victims of motor vehicle accidents, drivers who receive traffic tickets, and persons charged with offenses. The \[ attorneys \] professionals obtain these people’s names, addresses and other personal information through public information sources such as police reports and court records, and send the letters in an attempt to solicit business. The Legislature finds that this practice constitutes an abuse of our system of open public records, constitutes an invasion of these individuals’ privacy, and increases the public’s mistrust and suspicion of \[ the legal profession \] certain professions.

2. (New section) a. No \[ attorney \] person shall send any written communication soliciting professional employment on the attorney’s own behalf to any person whose name, address or other personal information was obtained from a public record such as a police report, accident report or court record unless at least 30 days have passed since the incident resulting in such report or record. This subsection shall not apply to any solicitation through advertising which is not directed to a specific person. This section shall not apply if contact with the attorney was initiated by the person who is the subject of the public record. This section shall not apply if contact with the professional was initiated by the person who is the subject of the public record. This section shall not apply to written communications soliciting professional employment which are directed to persons engaged in tax appeals pursuant to Title 54 of the Revised Statutes.

b. For purposes of this section:

“Professional employment” means any services rendered by an attorney licensed to practice law in this State or any person licensed, certified, or otherwise permitted by law or regulation to practice a profession or occupation regulated under Title 45 of the Revised Statutes.

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.
Matter enclosed in superscript numerals has been adopted as follows:
\[ \text{Senate SJU committee amendments adopted November 15, 2010.} \]
\[ \text{Senate floor amendments adopted September 26, 2011.} \]
\[ \text{Senate floor amendments adopted December 15, 2011.} \]
Violation of this section is a crime of the third degree.

Section 1 of P.L.1999, c.325 (C.2C:40A-4) is amended to read as follows:

1. a. No person shall solicit professional employment from an accident or disaster victim or an accident or disaster victim's relative concerning an action for personal injury or wrongful death involving that accident or disaster victim for a period of 30 days after the date on which the accident or disaster occurred. No person shall solicit professional employment from, or contact, a person whose name, address or other personal information was obtained from a public record of a motor vehicle accident for a period of 30 days after the date on which the accident occurred.

b. Subsection a. of this section shall not apply if the accident or disaster victim, or his relative, or person whose personal information was obtained from a public record of a motor vehicle accident, as the case may be, had a previous professional business relationship with the professional or if the accident or disaster victim or his relative initiated the contact with the professional.

c. Subsection a. of this section shall not apply to recommendations or referrals by past or present clients or patients, friends, relatives or other individuals relying on the reputation of the professional, provided the recommendation or referral is not made for value.

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

e. Subsection a. of this section shall not apply to emergency medical care.

f. For the purposes of this section:

"Professional employment" means services rendered by a [physician, chiropractor or other health care professional] licensed, certified, or otherwise permitted by law or regulation to practice a profession or occupation [regulated under Title 45 of the Revised Statutes].

"Solicit" means to contact a person with a request or plea, which is made in person, by telephone or [by] other electronic medium, or by any writing.

g. A person who violates the provisions of this section, and who acts with intent to accept money or something of value for his services, shall be guilty of a crime of the third degree.

(cf: P.L.1999, c.325, s.1)
Section 2 of P.L. 1999, c.325 (C.2C:40A-5) is amended to read as follows:

2. In addition to any other sanction that may be imposed by the Supreme Court, an attorney who violates the Rules of Professional Conduct promulgated by the Supreme Court of New Jersey by contacting an accident or disaster victim or an accident or disaster victim's relative using means other than written communication to solicit professional employment on the attorney's own behalf, and who acts with intent to accept money or something of value for his services, shall be guilty of a crime of the third degree.

(cf: P.L.1999, c.325, s.2)

This act shall take effect immediately and shall apply to solicitations of professional employment occurring on or after the effective date.