

Recent Laws Seek to Curb Ambulance Chasing

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Known as the “Ambulance Chasing” laws, Michigan Gov. Rick Snyder recently signed Public Acts (PA) 218 and 219, which are intended to stop the solicitation of automobile accident victims for 30 days after their accident.

Given the penalties involved, these laws are meant to be taken seriously. For a first violation of PA 218, an offender can be found guilty of a misdemeanor punishable by a fine of up to \$30,000 and for a second violation, a misdemeanor punishable by imprisonment for not more than one year or a fine of up to \$60,000, or both.

Public Act 218 states, in pertinent part:

“For 30 days after the date a motor vehicle accident report is filed with a law enforcement agency, a person may only access the report if the person or organization files a statement indicating that from the time the person or organization is granted access to the report until 30 days after the date the report is filed, the person or organization acknowledges that the person or organization is prohibited from doing either of the following:

- (a) Using the report for any direct solicitation of an individual, vehicle owner or property owner listed in the report.
- (b) Disclosing any personal information contained in the report to a third party for commercial solicitation of an individual, vehicle owner or property owner listed in the report.”

Public Act 219, in pertinent part, states:

A person shall not intentionally contact any individual that the person knows has sustained a personal injury as a direct result of a motor vehicle accident, or an immediate family member of that individual, with a direct solicitation to provide a service until the expiration of 30 days after the date of that motor vehicle accident.

RECENT LAWS SEEK TO CURB AMBULANCE CHASING Cont.

This subsection does not apply if either of the following circumstances exists:

- (a) The individual or his or her immediate family member has requested the contact from that person.
- (b) The person is an employee or agent of an insurance company and the person is contacting the individual or his or her family member on behalf of that insurance company to adjust a claim. This subdivision does not apply to a referral of the individual or his or her immediate family member to an attorney or to any other person for representation by an attorney.

As used in this section:

(a) "Direct solicitation to provide a service" means a verbal or written solicitation or offer, including by electronic means, made to the injured individual or a family member seeking to provide a service for a fee or other remuneration that is based upon the knowledge or belief that the individual has sustained a personal injury as a direct result of a motor vehicle accident and that is directed toward that individual or a family member.

Prior to these bills, while direct solicitation was prohibited, lawyers were allowed to solicit accident victims by mail within the first 30 days after an automobile accident.

Now, the collective acts prohibit using the accident reports for "any direct solicitation of an individual, vehicle owner, or property owner listed in the report" for the first 30 days following an automobile accident. And the acts prohibit disclosure of any personal information contained in the reports, which many non-attorneys would use to solicit legal business for lawyers.

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