

By: Taylor

H.B. No. 3372

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the solicitation of personal injury and other tort  
3 claims and the reporting of charges and convictions; providing  
4 criminal penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The Civil Practice and Remedies Code is amended  
7 by adding Title 10 to read as follows:

8 TITLE 10. ADDITIONAL MISCELLANEOUS PROVISIONS

9 CHAPTER 504. SOLICITATION OF PERSONAL INJURY AND OTHER TORT  
10 CLAIMS; REPORTING REQUIREMENTS

11 Sec. 504.001. DEFINITIONS. In this chapter:

12 (1) "Health care provider" means a person who provides  
13 services under a license, certificate, registration, or other  
14 authority issued by this state or another state to diagnose,  
15 prevent, alleviate, or cure a human illness or injury. The term  
16 includes the owner or director of the provider.

17 (2) "Licensing entity" means a department,  
18 commission, board, office, authority, or other agency of the state  
19 or of a political subdivision that issues a license, certificate,  
20 registration, title, permit, or other authorization to engage in an  
21 occupation.

22 Sec. 504.002. FRAUD IN SOLICITATION PROHIBITED; OFFENSE.

23 (a) A person commits an offense if the person solicits or causes to  
24 be solicited business from a person involved in an accident for the

1 purpose of making, adjusting, or settling a personal injury or  
2 other tort claim.

3 (b) An offense under this section is a felony of the third  
4 degree.

5 Sec. 504.003. SOLICITATION FOR MOTOR VEHICLE PERSONAL  
6 INJURY AND OTHER TORT CLAIMS PROHIBITED; OFFENSE; DEFENSE OF  
7 ADVERTISING. (a) A person commits an offense if the person  
8 solicits or causes to be solicited business by any means of  
9 communication from a person involved in a motor vehicle accident  
10 for the purpose of making a personal injury or other tort claim if  
11 the solicitation occurs before the 61st day after the date of the  
12 accident.

13 (b) It is an exception to the application of this section  
14 that the means of communication was by advertising directed to the  
15 public.

16 (c) An offense under this section is a felony of the third  
17 degree.

18 Sec. 504.004. SOLICITATION BY CERTAIN PERSONS FOR MOTOR  
19 VEHICLE PERSONAL INJURY AND OTHER TORT CLAIMS PROHIBITED; OFFENSE.

20 (a) This section applies only to:

21 (1) an attorney;

22 (2) a health care provider; or

23 (3) a person acting on behalf of a person listed in  
24 Subdivision (1) or (2).

25 (b) A person commits an offense if the person solicits or  
26 causes to be solicited business in person or by electronic  
27 transmission or telephone from a person involved in a motor vehicle

1 accident for the purpose of making a personal injury or other tort  
2 claim if the solicitation occurs before the 61st day after the date  
3 of the accident.

4 (c) An offense under this section is a felony of the third  
5 degree.

6 Sec. 504.005. CHARGES FOR PROHIBITED SOLICITATION VOID. A  
7 charge for a service that violates this chapter is void.

8 Sec. 504.006. DUTY OF PROSECUTORS AND LICENSED PERSONS TO  
9 REPORT INSURANCE FRAUD CHARGES AND CONVICTIONS TO LICENSING  
10 AGENCIES. (a) Not later than the 15th day after the date on which  
11 an attorney or health care provider is charged with or convicted of  
12 an offense under Chapter 35, Penal Code, the attorney representing  
13 the state in the prosecution shall notify the licensing entity that  
14 regulates the attorney or health care provider of the charge or  
15 conviction.

16 (b) Not later than the 15th day after the date on which an  
17 attorney or health care provider is subject to a charge,  
18 conviction, dismissal, or finding of not guilty of an offense under  
19 Chapter 35, Penal Code, the attorney or health care provider shall  
20 notify the licensing entity that regulates the attorney or health  
21 care provider of the charge, conviction, dismissal, or finding of  
22 not guilty.

23 Sec. 504.007. DUTY OF LICENSING ENTITIES TO CONDUCT  
24 ADMINISTRATIVE HEARINGS. Not later than the 30th day after the date  
25 on which a licensing entity receives notice of a charge or  
26 conviction under Section 504.006, the licensing entity shall hold a  
27 hearing to consider taking disciplinary action against the license

1 holder based on the charge or conviction described by the notice.

2 SECTION 2. This Act takes effect September 1, 2005.