

Barring solicitation of employment involving personal injury by phone or in person

HB 1519 by T. Smith (Carona)

DIGEST: HB 1519 would have prohibited a chiropractor, physician, surgeon, private investigator, or any person registered by a Texas health care regulatory agency from soliciting employment pertaining to a personal injury stemming from an accident or disaster within 31 days of the injury. This would have included solicitations in person or by phone made to either the injured party or a relative of the injured party. A violation would have been a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

**GOVERNOR'S
REASON FOR
VETO:**

“House Bill No. 1519 does not include attorneys in the new section (d-1) it creates for the offense of barratry and solicitation of professional employment. The new section prohibits in person or telephone contact before 31 days have passed since an accident; however attorneys are included in the current law in section (d), which covers improper written communications. The criminal acts covered by the statute should contain identical provisions for all covered professions.”

RESPONSE:

Rep. Todd Smith, the bill’s author, said: “Attorneys were not included in HB 1519 because it is already a criminal offense and grounds for disbarment for an attorney to engage in in-person solicitation of accident victims at any point after an accident.”

Sen. John Carona, the Senate sponsor, said: “I am disappointed that Gov. Perry vetoed HB 1519. This bill would have provided reasonable restrictions on the solicitation of accident victims by medical providers and private investigators within 31 days of such accident. Had Gov. Perry not vetoed HB 1519, these accident victims would have had further protection against intrusion into their personal lives during this difficult time.”

NOTES:

HB 1519 was analyzed in Part Five of the May 7 *Daily Floor Report*.