

BILL ANALYSIS

H.B. 1519
By: Smith, Todd
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are current restrictions on solicitation of injury victims by attorneys, chiropractors, physicians, surgeons, healthcare professionals, and private investigators found in the Texas Penal Code §38.12 (the Barratry Statute). However, certain chiropractors and telemarketing firms have found a way around these solicitation prohibitions by obtaining motor vehicle accident reports and contacting parties to an accident by using the personal information on the form.

This bill amends the Texas Penal Code §38.12 to provide further protection to the public from professional solicitation by providing a reasonable time limit for restricting solicitation of accident victims of thirty-one days.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1519 amends the Penal Code by providing that a person commits a Class A misdemeanor offense if he or she is a chiropractor, physician, surgeon, state licensed private investigator or a person licensed, certified or registered by a state health care regulatory agency and the person, with the intent to gain professional employment, solicits or causes to be solicited, employment for himself or other persons through in-person or telephone solicitation that relates to a personal injury sustained in an accident or disaster involving the solicited person or that person's relative before the 31st day after the date the accident or disaster occurred.

EFFECTIVE DATE

September 1, 2007.