

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 87
Committee Substitute Favorable 3/16/11
Third Edition Engrossed 3/29/11
Committee Substitute #2 Favorable 4/4/11
Corrected Copy 4/5/11
PROPOSED COMMITTEE SUBSTITUTE H87-PCS80248-TG-23

Short Title: Accident/Ticket 30-Day No Contact.

(Public)

Sponsors:

Referred to:

February 14, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A THIRTY-DAY MORATORIUM ON COMMERCIAL
3 COMMUNICATIONS WITH ACCIDENT VICTIMS AND PERSONS CHARGED WITH
4 CERTAIN VIOLATIONS RELATING TO OPERATION OF A MOTOR VEHICLE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 4 of Chapter 84 of the General Statutes is amended by adding
7 a new section to read:

8 "**§ 84-39. Solicitation for legal services.**

9 It shall be unlawful for an attorney to initiate, or knowingly permit to be initiated on behalf
10 of the attorney, a communication to a person known to need legal services for the purpose of
11 offering legal services if the communication concerns a citation for violation of any provision
12 in Part 10 of Article 3 of Chapter 20 of the General Statutes or concerns an accident or injury
13 involving the person to whom the communication is addressed or a relative of that person,
14 unless the issuance of the citation or the accident or injury occurred more than 30 days prior to
15 the initiation of the communication.

16 Any person, firm, corporation, or association of persons violating the provisions of this
17 section shall be guilty of a Class 1 misdemeanor.

18 The council of the North Carolina State Bar is hereby authorized and empowered to
19 investigate and bring an action against persons charged with violations of this section, and the
20 provisions as set forth in G.S. 84-37 shall apply. Nothing in this section shall be construed to
21 supersede the authority of district attorneys to seek injunctive relief or institute criminal
22 proceedings in the same manner as provided for in G.S. 84-7 or to abridge the inherent powers
23 of the courts to deal with such matters, nor shall this section be construed to prevent any person
24 from contacting or communicating with an attorney at any time and for any purpose."

25 SECTION 2. Section 1 of this act is effective when it becomes law. Section 2 of
26 this act becomes effective December 1, 2011, and applies to offenses committed on or after that
27 date.



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