



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 542

AMENDMENT NO. 9
(to be filled in by
Principal Clerk)

H542-ATG-158 [v.5]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Date 6/1, 2011

*Withdrawn
6-7-11
B. LaRoque*

Representative LaRoque

1 moves to amend the bill on page 2, lines 16-17, by inserting the following between those lines:
2 "SECTION 1.5. Article 63 of Chapter 58 of the General Statutes is amended by
3 adding a new subsection to read:

4 "(11) Soliciting or Communicating with Injured Party. – Initiating communication with a
5 person if the communication concerns a personal injury or wrongful death or otherwise relates
6 to an accident or injury involving the person to whom the communication is addressed or a
7 relative of that person, unless the accident or injury occurred more than 30 days prior to the
8 making of the communication. Nothing contained in this subdivision, however, shall be
9 construed to prevent a person from contacting or communicating with an insurer, adjuster, or
10 other agent or employee of an insurer at any time."

11
12 and on page 3, lines 35-36, by inserting between those lines the following:

13 "SECTION 3.2. Article 4 of Chapter 84 of the General Statutes is amended by
14 adding a new section to read:

15 **§ 84-39. Solicitation for legal services.**

16 It shall be unlawful for an attorney to initiate, or knowingly permit to be initiated on behalf
17 of the attorney, a communication to a prospective client for the purpose of offering legal
18 services if the communication concerns an action for personal injury or wrongful death or
19 otherwise relates to an accident or injury involving the person to whom the communication is
20 addressed or a relative of that person, unless the accident occurred more than 30 days prior to
21 the initiation of the communication.

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

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

31
32 and on page 4, line 36, by inserting the following before the word "Sections":

33 "Sections 1.5 and 3.2 of this act becomes effective October 1, 2011."



* H 5 4 2 - A T G - 1 5 8 - V - 5 *

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SIGNED
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____