

CHAPTER 88

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 97-1039

BY REPRESENTATIVES Veiga, Bacon, Chavez, Gordon, Hagedorn, Mace, Reeser, Romero, Snyder, and T. Williams;
also SENATORS Blickensderfer, Bishop, J. Johnson, and Linkhart.

AN ACT

CONCERNING A MANDATORY WAITING PERIOD BEFORE A HEALTH CARE PRACTITIONER MAY SOLICIT AN
ACCIDENT VICTIM.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 29.1 of title 12, Colorado Revised Statutes, 1991 Repl. Vol.,
is amended BY THE ADDITION OF A NEW SECTION to read:

12-29.1-102. Solicitation of accident victims - waiting period. (1) EXCEPT AS
PERMITTED BY SUBSECTION (2) OF THIS SECTION, NO HEALTH CARE PRACTITIONER
LICENSED UNDER ARTICLES 29.5 TO 43 OF THIS TITLE OR HIS OR HER AGENT SHALL
ENGAGE IN SOLICITATION FOR PROFESSIONAL EMPLOYMENT CONCERNING A PERSONAL
INJURY UNLESS THE INCIDENT FOR WHICH EMPLOYMENT IS SOUGHT OCCURRED MORE
THAN THIRTY DAYS PRIOR TO THE SOLICITATION.

(2) THIS SECTION SHALL NOT APPLY TO ANY PERSON PROVIDING EMERGENCY
HEALTH CARE AT THE TIME OF THE INCIDENT OR FOLLOW-UP REFERRALS TO
PHYSICIANS FROM THE EMERGENCY HEALTH CARE PROVIDERS.

(3) AS USED IN THIS SECTION, "SOLICITATION" MEANS AN INITIAL CONTACT
INITIATED IN PERSON, THROUGH ANY FORM OF ELECTRONIC OR WRITTEN
COMMUNICATION, OR BY TELEPHONE, TELEGRAPH, OR FACSIMILE, ANY OF WHICH IS
DIRECTED TO A SPECIFIC INDIVIDUAL, UNLESS SAID CONTACT IS REQUESTED BY THE
INDIVIDUAL, A MEMBER OF THE INDIVIDUAL'S FAMILY, OR THE INDIVIDUAL'S
AUTHORIZED REPRESENTATIVE. "SOLICITATION" DOES NOT INCLUDE RADIO,
TELEVISION, NEWSPAPER, OR YELLOW PAGES ADVERTISEMENTS.

(4) ANY AGREEMENT MADE IN VIOLATION OF THIS SECTION IS VOIDABLE AT THE

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions
from existing statutes and such material not part of act.*

OPTION OF THE INDIVIDUAL SUFFERING THE PERSONAL INJURY OR THE INDIVIDUAL'S AUTHORIZED REPRESENTATIVE.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 1997, and shall apply to injuries sustained on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 16, 1997