

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.410 Solicitation of personal injury claims; validity of contracts; furnishing, selling, or buying information as to identity or treatment of patient.

Sec. 410.

(1) A person, firm, copartnership, association, or organization of any kind, either incorporated or unincorporated, or any of the officers, agents, servants, employees, or members of any such person, firm, copartnership, association, or organization of any kind, either incorporated or unincorporated, or of any division, bureau, or committee of that association or organization, either incorporated or unincorporated, who shall directly or indirectly, individually or by agent, servant, employee, or member, solicit a person injured as the result of an accident, his or her administrator, executor, heirs, or assigns, his or her guardian, or members of the family of the injured person, for the purpose of representing that person in making a claim for damages or prosecuting an action or causes of action arising out of a personal injury claim against any other person, firm, or corporation, or to employ counsel for the purpose of that solicitation, is guilty of a misdemeanor, and shall upon conviction thereof, if a natural person, be punished by a fine not to exceed \$750.00 or by imprisonment for not more than 6 months, or both. The same penalties apply upon conviction to a member of a copartnership, or an officer or agent of a corporation, association, or other organization, or an officer or agent, who shall consent to, participate in, or aid or abet a violation of this section upon the part of the copartnership of which he or she is a member, or of the corporation, association, or organization of which he or she is such an officer or agent. A contract entered into as a result of such a solicitation is void. This subsection does not apply to an unsolicited contract entered into by a person, firm, or corporation with an attorney duly admitted to practice law in this state.

(2) Except as otherwise provided by law, administrative rule, or valid legal process, any person, firm or corporation who, for any consideration and without the prior written permission of a patient or his or her personal representative, furnishes, receives, buys, offers to buy, sells, or offers to sell, directly or indirectly, the identity of the patient or any information concerning the treatment of the patient, including, but not limited to, information contained in the files or records of a health care facility, health care provider, or insurance company, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$750.00, or both.

History: 1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1947, Act 123, Eff. Oct. 11, 1947 ;-- CL 1948, 750.410 ;-- Am. 1975, Act 125, Imd. Eff. July 1, 1975 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

Constitutionality: The limitation in this section to prosecution of personal injury claims does not deny equal protection of the law. Further, while the statute may be unconstitutional because of overbreadth, the overbreadth can be cured by a limiting construction. *Woll v Attorney General*, 409 Mich 500; 297 NW2d 578 (1980).

Former Law: See sections 1 and 2 of Act 280 of 1925, being CL 1929, §§ 13607 and 13608.