

The Texas Committee on Insurance Fraud

fighting insurance fraud through public education, communication and cooperation

June 8, 2011

Statement on Fifth Circuit Court of Appeals Decision upholding HB 148

The Fifth Circuit Court of Appeals issued an opinion reversing a District court's decision that prevented enforcement of HB 148 (by Rep. Todd Smith, 2009 session). The Texas legislature passed HB 148 to prohibit telephone and in person solicitation of accident victims for the first 30 days following an accident. The Fifth Circuit ruled that the law was consistent with previously announced U.S. Supreme Court standards for restrictions on these types of solicitations.

“Justice and plain common sense have prevailed in today’s decision by the Fifth Circuit. Telemarketers for chiropractors and lawyers will have to seek another way of soliciting business rather than chasing ambulances and contacting crash victims at home. This ruling allows prosecutors to go after this illegal solicitation which has become rampant in every major city in Texas. This is a huge victory for the public’s privacy and the fight against insurance fraud.”

Mark Hanna

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