

(4) 1. AN ACTION FOR PERSONAL INJURY OR WRONGFUL DEATH, OR OTHERWISE RELATES TO AN ACCIDENT OR DISASTER INVOLVING THE PERSON TO WHOM THE COMMUNICATION IS SENT OR THE PERSON'S RELATIVE; OR

(4) 2. A CRIMINAL PROSECUTION, OR A PROSECUTION OF A TRAFFIC OFFENSE THAT IS PUNISHABLE BY A PERIOD OF INCARCERATION, INVOLVING THE PERSON TO WHOM THE COMMUNICATION IS SENT OR THE PERSON'S RELATIVE.

(2) THIS SECTION DOES NOT APPLY TO A DIRECT MARKETING COMMUNICATION THAT IS NOT RELATED TO:

(I) A SPECIFIC ACCIDENT OR DISASTER DESCRIBED UNDER PARAGRAPH (1)(III)1 OF THIS SUBSECTION; OR

(II) A SPECIFIC CRIMINAL PROSECUTION OR TRAFFIC OFFENSE DESCRIBED UNDER PARAGRAPH (1)(III)2 OF THIS SUBSECTION.

(B) THIS SECTION DOES NOT APPLY TO A COMMUNICATION SENT TO A PROSPECTIVE CLIENT AT THE REQUEST OF THE PROSPECTIVE CLIENT.

(C) THIS SECTION APPLIES ONLY TO THE FOLLOWING FORMS OF COMMUNICATION:

- (1) AN AUDIO RECORDING;
- (2) A COMPUTER ON-LINE TRANSMISSION;
- (3) A FACSIMILE TRANSMISSION;
- (4) A LETTER OR OTHER FORM OF WRITTEN COMMUNICATION;
- (5) A TELEGRAPHIC TRANSMISSION;
- (6) A TELEPHONIC TRANSMISSION; AND
- (7) A VIDEO RECORDING.

(D) (1) EACH COMMUNICATION SHALL INCLUDE THE WORDS "THIS IS AN ADVERTISEMENT" IN A PROMINENT PLACE AT THE BEGINNING AND END OF EACH COMMUNICATION AS REQUIRED IN THIS SUBSECTION.

(2) IN A COMMUNICATION SENT BY COMPUTER ON-LINE TRANSMISSION, FACSIMILE, MAIL, OR TELEGRAPH, THE REQUIRED WORDING SHALL APPEAR IN CONSPICUOUS PRINT SIZE AND IN A FREESTANDING FORM:

(I) ON THE OUTSIDE OF THE ENVELOPE, IF ANY; AND

(II) AT THE BEGINNING AND END OF THE CONTENTS OF THE COMMUNICATION.

(3) IF THE FORM OF THE COMMUNICATION IS A SELF-MAILING BROCHURE OR PAMPHLET, THE REQUIRED WORDING SHALL APPEAR ON THE ADDRESS PANEL OF THE BROCHURE OR PAMPHLET.