

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 912, Page 2, Section 42.022, Line 21, by inserting after all of said section and line
3 the following:
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5 "42.028. 1. As used in this section, the following terms mean:

6 (1) "Compensation", payment of any money, thing of value, or financial benefit;

7 (2) "Person", an individual; corporation; business trust; estate; trust; partnership; limited
8 liability company; association; joint venture; public corporation; government or governmental
9 subdivision, agency, or instrumentality; or any other legal or commercial entity. The term "person"
10 shall not include the Missouri veterans commission;

11 (3) "Veterans benefits matter", the preparation, presentation, or prosecution of any claim
12 affecting any person who has filed or expressed an intent to file a claim for any benefit, program,
13 service, commodity, function, or status, entitlement to which is determined under the laws and
14 regulations administered by the United States Department of Veterans Affairs or the Missouri
15 veterans commission, pertaining to veterans, their dependents, their survivors, and any other
16 individual eligible for such benefits.

17 2. Except as permitted under federal law, no person shall receive compensation for advising
18 or assisting any individual with regard to any veterans benefits matter.

19 3. No person shall receive compensation for referring any individual to another person to
20 advise or assist this individual with any veterans benefits matter.

21 4. A person seeking to receive compensation for advising or assisting any individual with
22 any veterans benefits matter shall, before rendering any services, memorialize all terms regarding
23 the individual's payment of fees for services rendered in a written agreement, signed by both parties,
24 that adheres to all criteria specified within 38 CFR 14.636.

25 5. No person shall receive any compensation for any services rendered before the date on
26 which a notice of disagreement is filed with respect to the individual's case.

27 6. No person shall guarantee, either directly or by implication, that any individual is certain
28 to receive specific veterans benefits or that any individual is certain to receive a specific level,
29 percentage, or amount of veterans benefits.

Action Taken _____ Date _____

1 7. No person shall receive excessive or unreasonable fees as compensation for advising or
 2 assisting any individual with any veterans benefits matter. The factors articulated within 38 CFR
 3 14.636 shall govern determinations of whether a fee is excessive or unreasonable.

4 8. (1) No person shall advise or assist for compensation any individual concerning any
 5 veterans benefits matter without clearly providing, at the outset of the business relationship, the
 6 following disclosure, both orally and in writing:

This business is not sponsored by, or affiliated with, the United States
Department of Veterans Affairs or the Missouri Veterans
Commission, or any other federally chartered veterans service
organization. Other organizations, including, but not limited to, the
Missouri Veterans Commission, your local veterans service agency,
and other federally chartered veterans service organizations, may be
able to provide you with this service free of charge. Products or
services offered by this business are not necessarily endorsed by any
of these organizations. You may qualify for other veterans benefits
beyond the benefits for which you are receiving services here.

7 (2) The written disclosure shall appear in at least twelve-point font and shall appear in a
 8 readily noticeable and identifiable place in the person's agreement with the individual seeking
 9 services. The individual shall verbally acknowledge understanding of the oral disclosure and shall
 10 sign the document in which the written disclosure appears, to represent understanding of these
 11 provisions. The person offering services shall retain a copy of the written disclosure while
 12 providing veterans benefits services for compensation to the individual and for at least one year after
 13 the date on which the service relationship terminates.

14 9. (1) No person shall advertise for-compensation services in veterans benefits matters
 15 without including the following disclosure:

This business is not sponsored by, or affiliated with, the United States
Department of Veterans Affairs or the Missouri Veterans
Commission, or any other federally chartered veterans service
organization. Other organizations, including, but not limited to, the
Missouri Veterans Commission, your local veterans service agency,
and other federally chartered veterans service organizations, may be
able to provide you with these services free of charge. Products or
services offered by this business are not necessarily endorsed by any
of these organizations. You may qualify for other veterans benefits
beyond the services that this business offers.

16 (2) If the advertisement is printed, including, but not limited to, advertisements visible to
 17 internet users, the disclosure shall appear in a readily visible place on the advertisement. If the
 18 advertisement is verbal, the spoken statement of the disclosure shall be clear and intelligible.

19 10. Any person who violates this section is guilty of a class A misdemeanor."; and
 20

21 Further amend said bill by amending the title, enacting clause, and intersectional references
 22 accordingly.