

SECOND REGULAR SESSION

# HOUSE BILL NO. 1490

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GRIFFITH.

3513H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 42, RSMo, by adding thereto one new section relating to veterans benefits, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 42, RSMo, is amended by adding thereto one new section, to be known as section 42.028, to read as follows:

**42.028. 1. As used in this section, the following terms mean:**

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

3       **(2) "Person", an individual; corporation; business trust; estate; trust;**

4       **partnership; limited liability company; association; joint venture; public corporation;**

5       **government or governmental subdivision, agency, or instrumentality; or any other legal**

6       **or commercial entity. The term "person" shall not include the Missouri veterans**

7       **commission;**

8       **(3) "Veterans benefits matter", the preparation, presentation, or prosecution of**

9       **any claim affecting any person who has filed or expressed an intent to file a claim for**

10       **any benefit, program, service, commodity, function, or status, entitlement to which is**

11       **determined under the laws and regulations administered by the United States**

12       **Department of Veterans Affairs or the Missouri veterans commission, pertaining to**

13       **veterans, their dependents, their survivors, and any other individual eligible for such**

14       **benefits.**

15       **2. Except as permitted under federal law, no person shall receive compensation**

16       **for advising or assisting any individual with regard to any veterans benefits matter.**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

33           **8. (1) No person shall advise or assist for compensation any individual**  
34 **concerning any veterans benefits matter without clearly providing, at the outset of the**  
35 **business relationship, the following disclosure, both orally and in writing:**

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

47           **(2) The written disclosure shall appear in at least twelve-point font and shall**  
48 **appear in a readily noticeable and identifiable place in the person's agreement with the**  
49 **individual seeking services. The individual shall verbally acknowledge understanding of**  
50 **the oral disclosure and shall sign the document in which the written disclosure appears,**  
51 **to represent understanding of these provisions. The person offering services shall retain**  
52 **a copy of the written disclosure while providing veterans benefits services for**

53 **compensation to the individual and for at least one year after the date on which the**  
54 **service relationship terminates.**

55 **9. (1) No person shall advertise for-compensation services in veterans benefits**  
56 **matters without including the following disclosure:**

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

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

72 **10. Any person who violates this section is guilty of a class A misdemeanor.**

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