

FIRST REGULAR SESSION

HOUSE BILL NO. 399

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIFFITH.

1482H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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 such 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 any 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. No person who advises or assists, or seeks to advise or assist, for**
73 **compensation any individual concerning any veterans benefits matter shall gain direct**
74 **access to the individual's:**

75 **(1) Personal medical information;**

76 **(2) Personal financial information;**

77 **(3) Personal information in any application for government benefits; or**

78 **(4) User name or password for any application or service.**

79 **11. Any person who violates this section is guilty of a class A misdemeanor.**

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