

SENATE BILL NO. 300

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

0578S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 42, RSMo, by adding thereto one new section relating to compensation for advising or assisting in veterans benefits matters, 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:

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

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

(3) "Veterans benefits matter", the preparation, presentation, or prosecution of any claim affecting any person who has filed or expressed an intent to file a claim for any benefit, program, service, commodity, function, status, or entitlement to which is determined under the laws and regulations administered by the United States Department of Veterans Affairs or the Missouri veterans' commission,

19 pertaining to veterans, their dependents, their survivors,
20 and any other individual eligible for such benefits.

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

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

27 4. A person seeking to receive compensation for
28 advising or assisting any individual with any veterans
29 benefits matter shall, before rendering any services,
30 memorialize all terms regarding the individual's payment of
31 fees for services rendered in a written agreement, signed by
32 both parties, that adheres to all criteria specified within
33 38 CFR 14.636.

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

37 6. No person shall guarantee, either directly or by
38 implication, that any individual is certain to receive
39 specific veterans benefits or that any individual is certain
40 to receive a specific level, percentage, or amount of
41 veterans benefits.

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

47 8. (1) No person shall advise or assist for
48 compensation any individual concerning any veterans benefits
49 matter without clearly providing, at the outset of the

50 business relationship, the following disclosure, both orally
51 and in writing:

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

67 (2) The written disclosure shall appear in at least
68 twelve-point font and shall appear in a readily noticeable
69 and identifiable place in the person's agreement with the
70 individual seeking services. The individual shall verbally
71 acknowledge understanding of the oral disclosure and shall
72 sign the document in which the written disclosure appears,
73 to represent understanding of these provisions. The person
74 offering services shall retain a copy of the written
75 disclosure while providing veterans benefits services for
76 compensation to the individual and for at least one year
77 after the date on which the service relationship terminates.

78 9. (1) No person shall advertise for-compensation
79 services in veterans benefits matters without including the
80 following disclosure:

81 "This business is not sponsored by, or
82 affiliated with, the United States Department of
83 Veterans Affairs or the Missouri Veterans'
84 Commission, or any other federally chartered
85 veterans service organization. Other
86 organizations, including, but not limited to,
87 the Missouri Veterans' Commission, your local
88 veterans service agency, and other federally
89 chartered veterans service organizations, may be
90 able to provide you with these services free of
91 charge. Products or services offered by this
92 business are not necessarily endorsed by any of
93 these organizations. You may qualify for other
94 veterans benefits beyond the services that this
95 business offers."

96 (2) If the advertisement is printed, including, but
97 not limited to, advertisements visible to internet users,
98 the disclosure shall appear in a readily visible place on
99 the advertisement. If the advertisement is verbal, the
100 spoken statement of the disclosure shall be clear and
101 intelligible.

102 10. Any person who violates this section is guilty of
103 a class A misdemeanor.

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