

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 974

AN ACT

To amend chapter 42, RSMo, by adding thereto one new section relating to compensation for services rendered in veterans benefits matters.

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", any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or herself or another;

(2) "Person", any natural person, corporation, trust, partnership, incorporated or unincorporated association, or any other legal entity;

(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 to pertain to veterans, their dependents, their survivors, or any other individual eligible for such benefits under the laws and regulations administered by the United States Department of Veterans Affairs or the Missouri veterans' commission. The term "veterans benefits matter" shall not include a housing loan under 38 U.S.C. Section 3710, et seq.

2. No person shall receive compensation for referring any individual to another person to advise or assist the individual with any veterans benefits matter.

3. No person shall receive compensation for any services rendered in connection with any claim filed within the one-year presumptive period of active-duty release.

4. A person seeking to receive compensation for advising, assisting, or consulting with any individual in connection with any veterans benefits matter shall, before rendering any services, memorialize the specific terms, under which the amount to be paid will be determined, in a written agreement signed by both parties. Such compensation shall be purely contingent upon an increase in benefits awarded, and if successful, compensation shall not exceed five times the amount of the monthly increase in benefits awarded based on the claim. Initial or nonrefundable fees or charges are prohibited.

5. A person seeking to receive compensation for advising, assisting, or consulting with any individual with any veterans benefits matter shall not utilize a medical professional with whom the person has an employment or business relationship for a secondary medical exam.

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

7. (1) No person shall advise, assist, or consult for compensation with any individual concerning any veterans benefits matter without clearly providing, at the outset of the business relationship, the 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, a local veterans' service organization, 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."

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

8. Persons engaging in the preparation of an initial claim for a fee shall not:

(1) Utilize international call centers or data centers for processing veterans' personal information; nor

(2) Gain direct access to any personal medical, financial, or governmental benefits login, username, or password information.

9. A violation of this section shall constitute an unlawful practice under section 407.020 and any action authorized in sections 407.010 to 407.130 may be taken.