

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 974

103RD GENERAL ASSEMBLY

5639S.02C

KRISTINA MARTIN, Secretary

## 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  
2 one new section, to be known as section 42.028, to read as  
3 follows:

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

3 (1) "Compensation", any money, thing of value, or  
4 economic benefit conferred on, or received by, any person in  
5 return for services rendered, or to be rendered, by himself  
6 or herself or another;

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

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

18 Veterans Affairs or the Missouri veterans' commission. The  
19 term "veterans benefits matter" shall not include a housing  
20 loan under 38 U.S.C. Section 3710, et seq.

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

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

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

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

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

48 7. (1) No person shall advise, assist, or consult for  
49 compensation with any individual concerning any veterans

50 benefits matter without clearly providing, at the outset of  
51 the business relationship, the following disclosure, both  
52 orally and in writing:

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

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

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

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

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

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

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