

SECOND REGULAR SESSION

SENATE BILL NO. 974

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

5639S.01I

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 one new section, to be known as section 42.028, to read as 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.

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

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

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

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

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

46 7. (1) No person shall advise, assist, or consult for
47 compensation with any individual concerning any veterans
48 benefits matter without clearly providing, at the outset of

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

51 "This business is not sponsored by, or
52 affiliated with, the United States Department of
53 Veterans Affairs or the Missouri Veterans'
54 Commission, or any other federally chartered
55 veterans' service organization. Other
56 organizations, including, but not limited to,
57 the Missouri Veterans' Commission, a local
58 veterans' service organization, and other
59 federally chartered veterans' service
60 organizations, may be able to provide you with
61 this service free of charge. Products or
62 services offered by this business are not
63 necessarily endorsed by any of these
64 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 8. Persons engaging in the preparation of an initial
79 claim for a fee shall not:

80 (1) Utilize international call centers or data centers
81 for processing veterans' personal information; nor
82 (2) Gain direct access to any personal medical,
83 financial, or governmental benefits login, username, or
84 password information.

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

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