

SENATE SUBSTITUTE
FOR
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
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, dependents of veterans, survivors of veterans, or
16 any other individual eligible for such benefits under the
17 laws and regulations administered by the United States
18 Department of Veterans Affairs or the Missouri veterans'

19 commission. The term "veterans benefits matter" shall not
20 include a housing 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.