

# SENATE BILL NO. 316

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

1323S.01H

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 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.

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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