

An Act to Prohibit Receiving Compensation for Assisting a Person to Obtain Veterans' Benefits Except as Permitted Under Federal Law

Be it enacted by the People of the State of [STATE] as follows:

[Sec. X. XX-X XXXX §XX] is enacted to read:

§XX. Compensation for services related to veterans' benefits matters

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Compensation" means payment of money, a thing of value or a financial benefit.

B. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.

C. "Veterans' benefits matter" means the preparation, presentation or prosecution of a claim affecting an individual who has filed or expressed an intent to file a claim for a benefit, program, service, commodity, function or status, entitlement to which is determined under the laws and regulations administered by the United States Department of Veterans Affairs or the United States Department of Defense pertaining to veterans, their dependents, their survivors and any other individual eligible for such benefits.

2. Prohibitions. A person may not:

A. Receive compensation for preparation, presentation or prosecution of, or advising, consulting or assisting an individual with, a veterans' benefits matter, except as permitted under federal law;

B. Receive compensation for referring an individual to another person to prepare, present or prosecute, or advise, consult or assist the individual with, a veterans' benefits matter;

C. Guarantee, either directly or by implication, 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; and

D. Receive excessive or unreasonable fees as compensation for preparation, presentation or prosecution of, or advising, consulting or assisting an individual with, a veterans' benefits matter. The factors articulated in 38 Code of Federal Regulations, Section 14.636 (2024) govern determinations of whether a fee is excessive or unreasonable.

3. Memorialization of terms. A person seeking to receive compensation for preparation, presentation or prosecution of, or advising, consulting or assisting an individual with, a veterans' benefits matter shall, before rendering any services, memorialize in a written agreement signed by both parties that adheres to all criteria specified in 38 Code of Federal Regulations, Section 14.636 (2024) all terms regarding the individual's payment of fees for services rendered.

4. Penalty. A violation of this section constitutes a violation of the [STATE CONSUMER PROTECTION LAW.]

Sample State Bill Language

[XXXst STATE] Legislature

An Act to Prohibit Receiving Compensation for Assisting a Person to Obtain Veterans' Benefits Except as Permitted Under Federal Law

SUMMARY

This bill provides that a person may not receive compensation for services related to veterans' benefits matters except as permitted under federal law. It also provides that a person may not receive compensation for referring an individual to another person to provide services related to veterans' benefits matters. It provides that a person seeking to receive compensation for services related to veterans' benefits matters must, before rendering any services, memorialize in a written agreement that is signed by both parties and that complies with federal regulations all terms regarding the payment of fees for services rendered. It provides that a person may not receive excessive or unreasonable fees for services related to veterans' benefits matters. A violation of the provisions of the bill constitutes a violation of the **[STATE CONSUMER PROTECTION LAW.]**