

HOUSE BILL No. 2213

By Committee on Veterans and Military

Requested by Jim Karleskint on behalf of the Veterans of Foreign Wars

2-3

1 AN ACT concerning veterans and military; relating to veterans benefits;
2 prohibiting certain conduct and improper collection of veterans benefit
3 fees; providing for penalties upon violation of such act.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) As used in this act:

7 (1) "Veterans benefits matter" means the preparation, presentation or
8 prosecution of any claim affecting any person who has filed or expressed
9 an intent to file a claim for any benefit, program, service, commodity,
10 function or status to which entitlement is determined under the laws and
11 regulations administered by the United States department of veterans
12 affairs, the United States department of defense or the Kansas office of
13 veterans services pertaining to veterans, their dependents or survivors or
14 any other individual eligible for such benefit, program, service,
15 commodity, function or status.

16 (b) Except as permitted under federal law, no person shall receive
17 compensation for preparing, presenting, prosecuting, advising, consulting
18 or assisting any individual with regard to any veterans benefits matter
19 before the United States department of veterans affairs, the United States
20 department of defense or the Kansas office of veterans services.

21 (c) No person shall receive compensation for referring any individual
22 to another person to prepare, present, prosecute, advise, consult or assist
23 regarding any veterans benefits matter before the United States department
24 of veterans affairs, the United States department of defense or the Kansas
25 office of veterans services.

26 (d) Nothing in this section shall be construed to prohibit a division of
27 fees between attorneys that is otherwise proper under Kansas law and the
28 Kansas rules of professional conduct.

29 (e) A violation of this section shall be a violation of the Kansas
30 consumer protection act pursuant to K.S.A. 50-623 et seq., and
31 amendments thereto.

32 (f) Any person who received compensation for preparing, presenting,
33 prosecuting, advising, consulting or assisting an individual with regard to
34 any veterans benefits matter before the United States department of
35 veterans affairs, the United States department of defense or the Kansas

1 office of veterans services shall be held to the same ethical standards as an
2 attorney under the Kansas rules of professional conduct in the following
3 practices:

4 (1) Advertising;

5 (2) solicitation of new clients;

6 (3) confidentiality;

7 (4) duty of care;

8 (5) duty of honesty; and

9 (6) duty to zealously pursue what is in the best interest of the client.

10 (g) If any provision or clause of this act or application thereof to any
11 person or circumstance is held invalid, such invalidity shall not affect other
12 provisions or applications of this act that can be given effect without the
13 invalid provision or application, and to this end the provisions of this act
14 are declared to be severable.

15 Sec. 2. This act shall take effect and be in force from and after its
16 publication in the Kansas register.