

HOUSE BILL No. 2214

By Committee on Veterans and Military

Requested by Larrie Ann Brown on behalf of Veteran Benefits Guide

2-3

1 AN ACT concerning veterans and military; relating to veterans benefits;
2 enacting the safeguarding American veteran empowerment (SAVE) act
3 to limit compensation for assisting in veterans benefits matters.
4

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

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

7 (1) "Compensation" means a payment of any moneys, a thing of
8 value or financial benefit conferred on or received by any person in return
9 for services rendered or to be rendered.

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

17 (3) "Person" means any natural person, corporation, trust, partnership,
18 incorporated or unincorporated association, or any other legal entity.

19 (b) (1) No person may receive compensation for:

20 (A) Referring any veteran to another person for advice or assistance
21 in such veteran's benefits matter; or

22 (B) any services rendered in connection with any claim filed within
23 the one-year presumptive period of active-duty release, unless the veteran
24 acknowledges by signing a waiver that such veteran's active-duty release is
25 within the one-year period but is choosing to deny the free services
26 available to such veteran.

27 (2) A person seeking to receive compensation for advising, assisting
28 or consulting with any veterans benefits matter shall, before rendering any
29 services, memorialize the specific terms that specify the amount to be paid
30 will be determined in a written agreement signed by both parties.
31 Compensation shall be contingent upon an increase in the awarded
32 benefits and, if successful, such compensation shall not exceed five times
33 the amount of the monthly increase in benefits awarded based on the
34 claim. No initial or nonrefundable fee may be charged by a person
35 advising, assisting or consulting an individual on a veterans benefits

1 matter.

2 (3) A person seeking to receive compensation for advising, assisting
3 or consulting in connection with any veterans benefits matter shall, before
4 rendering any services, memorialize the specific terms under which the
5 amount to be paid will be determined in a written agreement signed by
6 both parties. Compensation shall be contingent upon an increase in
7 benefits awarded and, if successful, such compensation shall not exceed
8 five times the amount of the monthly increase in benefits awarded based
9 on the claim. No initial or nonrefundable fee may be charged by a person
10 advising, assisting or consulting an individual on a veterans benefits
11 matter.

12 (4) No person shall guarantee, either directly or by implication, a
13 successful outcome or that any person is certain to receive specific
14 veterans benefits or a specific level, percentage or amount of veterans
15 benefits.

16 (5) (A) Any person advising, assisting or consulting on veterans
17 benefits matters for compensation shall provide the following disclosure at
18 the outset of the business relationship: "This business is not sponsored by
19 or affiliated with the United States department of veterans affairs or the
20 Kansas office of veterans services, or any other federally chartered
21 veterans service organization. Other organizations, including, but not
22 limited to, the Kansas office of veterans services, a local veterans service
23 organization and other federally chartered veterans service organizations
24 may be able to provide you with this service free of charge. Products or
25 services offered by this business are not necessarily endorsed by any of
26 these organizations. You may qualify for other veterans benefits beyond
27 the benefits for which you are receiving services here."

28 (B) The written disclosure shall appear in at least 12-point font
29 in an easily identifiable place in the person's agreement with the individual
30 seeking services. The person shall sign the document in which the written
31 disclosure appears to represent understanding of these provisions. The
32 person offering services shall retain a copy of the written disclosure while
33 providing veterans benefits services for compensation and for at least one
34 year after the date on which the service relations terminate.

35 (6) Businesses advising, assisting or consulting on veterans' benefits
36 matters for a fee shall:

37 (A) Not utilize international call centers or data centers for processing
38 veterans' personal information;

39 (B) not use a veteran's personal login, username or password
40 information to access such veteran's medical, financial or government
41 benefits information; and

42 (C) ensure that any person who has access to veterans' medical or
43 financial information undergoes a criminal history record check prior to

1 having access to that information. The criminal history record check shall
2 be conducted by a reputable source and include identity verification and a
3 criminal records check.

4 (c) (1) A violation of this section constitutes an unfair, false,
5 misleading or deceptive act or practice in the conduct of trade or
6 commerce under K.S.A. 50-623 et seq., and amendments thereto.

7 (2) Civil penalties shall be in an amount ordered by the district court
8 in an action brought by the attorney general.

9 (3) Each day that a violation continues is a separate violation.

10 (4) Nothing in this section is to be construed as applying to or
11 limiting or expanding the
12 requirements imposed on agents, attorneys or other representatives
13 accredited by the United States department of veterans affairs and
14 regulated by such agency.

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