

# PROPOSED AMENDMENT

## SB 231 # 1

### DIGEST

Veterans' benefits. Provides veteran empowerment protections. Provides that a person may not represent a veteran regarding a veterans' benefits matter unless the person meets certain requirements. Provides that a person that advises, assists, or consults with an individual regarding veterans' benefits matters for a fee: (1) may not use international call centers or data centers for processing veterans' personal information; (2) may not use a veteran's personal log-in, username, or password information to access the veteran's medical, financial, or government benefits information; (3) must ensure that before any individual may have access to veterans' medical or financial information the individual must undergo a national criminal history background check; and (4) shall comply with certain federal regulations. Provides that a violation of the act constitutes a prohibited consumer sale.

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- 1       Page 1, line 4, delete "Prohibition of Receiving Compensation for"
- 2       and insert "**Veteran Empowerment Protections**".
- 3       Page 1, delete lines 5 through 10.
- 4       Page 1, line 11, delete "Sec. 2." and insert "**Sec. 1.**".
- 5       Page 1, line 11, delete "the" and insert "**any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered.**".
- 6       Page 1, delete lines 12 through 15.
- 7       Page 1, line 16, delete "Sec. 3." and insert "**Sec. 2.**".
- 8       Page 1, line 16, delete "means:" and insert "**means any natural person, corporation, trust, partnership, incorporated or unincorporated association, or any other legal entity.**".
- 9       Page 1, delete line 17.
- 10      Page 2, delete lines 1 through 12.
- 11      Page 2, line 13, delete "Sec. 4." and insert "**Sec. 3.**".
- 12      Page 2, line 20, delete "or the United States Department of Defense" and insert "**or the Indiana department of veterans' affairs.**".
- 13      Page 2, delete lines 21 through 42, begin a new paragraph and
- 14      insert:  
15        "**Sec. 4. (a) Unless a person complies with section 7 of this chapter, the person may not receive compensation for referring**

1       **any individual to another person to advise, assist, or consult with**  
2       **the individual regarding any veterans' benefits matter.**

3       **(b) Unless a person complies with section 7 of this chapter, the**  
4       **person may not receive any compensation for any services**  
5       **rendered in connection with any claim filed within the one (1) year**  
6       **presumptive period of active duty release, unless the veteran**  
7       **acknowledges by signing a waiver acknowledging that the veteran**  
8       **is within this period and is choosing to forego free services**  
9       **available to the veteran.**

10      **Sec. 5. A person seeking to receive compensation for advising,**  
11      **assisting, or consulting with any individual in connection with any**  
12      **veterans' benefits matter must, before rendering any services,**  
13      **memorialize the specific terms under which the amount to be paid**  
14      **will be determined in a written agreement signed by both parties.**  
15      **Compensation must be purely contingent upon an increase in**  
16      **benefits awarded, and if successful, compensation must not exceed**  
17      **five (5) times the amount of the monthly increase in benefits**  
18      **awarded based on the veterans' benefit matter. No initial or**  
19      **nonrefundable fee may be charged by a person advising, assisting,**  
20      **or consulting with an individual on a veterans' benefit matter.**

21      **Sec. 6. A person may not guarantee, either directly or by**  
22      **implication, a successful outcome or that any individual is certain**  
23      **to receive specific veterans' benefits or that any individual is**  
24      **certain to receive a specific level, percentage, or amount of a**  
25      **veterans' benefit.**

26      **Sec. 7. Any person advising, assisting, or consulting on veterans'**  
27      **benefits matters for compensation must provide the following**  
28      **disclosure at the outset of the business relationship:**

29      **"This business is not sponsored by, or affiliated with, the**  
30      **United States Department of Veterans Affairs or the Indiana**  
31      **Department of Veterans' Affairs, or any other federally**  
32      **chartered veterans' service organization. Other organizations,**  
33      **including the Indiana Department of Veterans' Affairs, a local**  
34      **veterans' service organization, and other federally chartered**  
35      **veterans' service organizations, may be able to provide you**  
36      **with this service free of charge. Products or services offered**  
37      **by this business are not necessarily endorsed by any of these**  
38      **organizations. You may qualify for other veterans' benefits**  
39      **beyond the benefits for which you are receiving services**  
40      **here."**

1       **The written disclosure must appear in at least twelve (12) point**  
2       **font in an easily identifiable place in the person's agreement with**  
3       **the individual seeking services. The individual must sign the**  
4       **document in which the written disclosure appears to represent**  
5       **understanding of these provisions. The person offering services**  
6       **must retain a copy of the written disclosure while providing**  
7       **services related to a veterans' benefit matter for compensation to**  
8       **the individual and for at least one (1) year after the date on which**  
9       **the service relations terminate.**

10      **Sec. 8. A person that advises, assists, or consults an individual**  
11      **regarding veterans' benefits matters for compensation:**

- 12       **(1) may not use international call centers or data centers for**  
13       **processing veterans' personal information;**
- 14       **(2) may not use a veteran's personal log-in, username, or**  
15       **password information to access the veteran's medical,**  
16       **financial, or government benefits information;**
- 17       **(3) must ensure that before any individual may have access to**  
18       **a veteran's medical or financial information, the individual**  
19       **must undergo a national criminal history background check**  
20       **by a consumer reporting agency regulated under 15 U.S.C.**  
21       **1681 et seq. that includes a:**
  - 22           **(A) verification of the applicant's identity;**
  - 23           **(B) search of the records maintained by all counties in**  
24           **Indiana or similar governmental units in another state, if**  
25           **the individual who is the subject of the background check**  
26           **resided in another state; and**
  - 27           **(C) multistate criminal data base search; and**
- 28       **(4) shall comply with 38 CFR Part 14.**

29      **Sec. 9. (a) A violation of this chapter constitutes a violation**  
30      **under IC 24-5-0.5.**

31       **(b) Any civil penalty collected by the attorney general under**  
32       **IC 24-5-0.5-4 shall be deposited in the veterans' affairs trust fund**  
33       **established by IC 10-17-13-3.**

34      **Sec. 10. Nothing in this chapter shall be construed as applying**  
35      **to, limiting, or expanding the requirements imposed on agents,**  
36      **attorneys, or other representatives accredited and regulated by the**  
37      **United States Department of Veterans Affairs."**

38       Delete pages 3 through 6.

39       Page 7, delete lines 1 through 4.

40       Page 11, line 6, delete "prohibition of" and insert "veteran

1       **empowerment act)." .**

2       Page 11, delete lines 7 through 8.

3       Renumber all SECTIONS consecutively.

(Reference is to SB 231 as introduced.)