

# 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,**
- 6       **or economic benefit conferred on, or received by, any person in**
- 7       **return for services rendered, or to be rendered.**".
- 8       Page 1, delete lines 12 through 15.
- 9       Page 1, line 16, delete "Sec. 3." and insert "**Sec. 2.**".
- 10      Page 1, line 16, delete "means:" and insert "**means any natural**
- 11      **person, corporation, trust, partnership, incorporated or**
- 12      **unincorporated association, or any other legal entity.**".
- 13      Page 1, delete line 17.
- 14      Page 2, delete lines 1 through 12.
- 15      Page 2, line 13, delete "Sec. 4." and insert "**Sec. 3.**".
- 16      Page 2, line 20, delete "or the United States Department of Defense"
- 17      and insert "**or the Indiana department of veterans' affairs.**".
- 18      Page 2, delete lines 21 through 42, begin a new paragraph and
- 19      insert:
- 20      "**Sec. 4. (a) Unless a person complies with section 7 of this**
- 21      **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."

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

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

(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 a veteran's medical or financial information, the individual must undergo a national criminal history background check by a consumer reporting agency regulated under 15 U.S.C. 1681 et seq. that includes a:

(A) verification of the applicant's identity;

(B) search of the records maintained by all counties in Indiana or similar governmental units in another state, if the individual who is the subject of the background check resided in another state; and

(C) multistate criminal data base search; and

(4) shall comply with 38 CFR Part 14.

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

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

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

Delete pages 3 through 6.

Page 7, delete lines 1 through 4.

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.)