

# PROPOSED AMENDMENT

## SB 231 # 2

### DIGEST

Qualified consultant. Defines "qualified consultant". Establishes procedures for registering as a veteran benefits consultant. Makes conforming changes.

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- 1 Page 1, delete lines 6 through 10.
- 2 Page 1, line 11, delete "Sec. 2." and insert "**Sec. 1.**".
- 3 Page 1, line 16, delete "Sec. 3." and insert "**Sec. 2.**".
- 4 Page 2, between lines 12 and 13, begin a new paragraph and insert:
- 5 "**Sec. 3. As used in this chapter, "qualified consultant" means a:**
- 6 **(1) person accredited under 38 CFR 14.629 (as in effect July**
- 7 **1, 2025), including:**
- 8 **(A) a representative of a recognized organization;**
- 9 **(B) an agent; or**
- 10 **(C) an attorney; or**
- 11 **(2) registered veteran benefits consultant, as described in**
- 12 **IC 25-45."**
- 13 Page 2, delete lines 23 through 29, begin a new paragraph and
- 14 insert:
- 15 "**Sec. 5. (a) This subsection does not apply to a qualified**
- 16 **consultant. A person may not receive compensation for:**
- 17 **(1) the preparation, presentation, or prosecution of; or**
- 18 **(2) advising, consulting, or assisting an individual regarding;**
- 19 **a veterans' benefits matter.**
- 20 **(b) A person may not do the following:"**
- 21 Page 2, line 30, delete "(2)" and insert "**(1)**".
- 22 Page 2, line 36, delete "(3)" and insert "**(2)**".
- 23 Page 2, line 40, delete "(4)" and insert "**(3)**".
- 24 Page 3, line 2, delete "(5)" and insert "**(4)**".
- 25 Page 3, line 8, delete "(6)" and insert "**(5)**".
- 26 Page 3, line 18, delete "(7)" and insert "**(6)**".
- 27 Page 3, line 27, delete "person" and insert "**qualified consultant**".

1 Page 3, line 35, delete "(a)".

2 Page 3, line 35, delete "person" and insert "**qualified consultant**".

3 Page 4, delete lines 18 through 36, begin a new paragraph and  
4 insert:

5 "**Sec. 8. A qualified consultant that advises, assists, or consults**  
6 **an individual regarding veterans' benefits matters for**  
7 **compensation:**

8 (1) **may not use international call centers or data centers for**  
9 **processing veterans' personal information;**

10 (2) **may not use a veteran's personal log-in, username, or**  
11 **password information to access the veteran's medical,**  
12 **financial, or government benefits information; and**

13 (3) **must ensure that before any individual may have access to**  
14 **a veteran's medical or financial information, the individual**  
15 **must undergo a national criminal history background check**  
16 **by a consumer reporting agency regulated under 15 U.S.C.**  
17 **1681 et seq. that includes a:**

18 (A) **verification of the applicant's identity;**

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

23 (C) **multistate criminal data base search."**

24 Page 4, line 37, delete "8." and insert "9."

25 Page 4, line 39, delete "9." and insert "10."

26 Page 4, line 42, delete "10." and insert "11."

27 Page 12, after line 1, begin a new paragraph and insert:

28 "SECTION 4. IC 25-45 IS ADDED TO THE INDIANA CODE AS  
29 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
30 2026]:

31 **ARTICLE 45. VETERAN BENEFITS CONSULTANT**

32 **Chapter 1. Definitions**

33 **Sec. 1. The definitions in this chapter apply throughout this**  
34 **article.**

35 **Sec. 2. "Agency" means the Indiana professional licensing**  
36 **agency established by IC 25-1-5-3.**

37 **Sec. 3. "Applicant" means a veteran benefits consultant who**  
38 **applies for a registration under this article.**

39 **Sec. 4. "Registered veteran benefits consultant" means a person**  
40 **registered under this article.**

1       **Sec. 5. "Veteran benefits consultant" means a person who:**

2           **(1) receives compensation for:**

3               **(A) the preparation of; or**

4               **(B) advising, assisting, or consulting an individual**  
 5               **regarding;**

6           **a veterans' benefits matter; and**

7           **(2) is not a person accredited under 38 CFR 14.629 (as in**  
 8           **effect July 1, 2025), including:**

9               **(A) a representative of a recognized organization;**

10              **(B) an agent; or**

11              **(C) an attorney.**

12       **Sec. 6. "Veterans' benefits matter" has the meaning set forth in**  
 13       **IC 10-17-16-4.**

14       **Chapter 2. Registration Requirements**

15       **Sec. 1. (a) This article applies to a person who operates as a**  
 16       **veteran benefits consultant after December 31, 2026.**

17       **(b) This article does not apply to:**

18              **(1) a representative of a recognized organization;**

19              **(2) an agent; or**

20              **(3) an attorney;**

21       **accredited under 38 CFR 14.629 (as in effect July 1, 2025).**

22       **Sec. 2. Under IC 25-1-5.5, the agency shall maintain an**  
 23       **electronic registry of all veteran benefits consultants who:**

24              **(1) electronically apply for and meet the registration**  
 25              **requirements under this article;**

26              **(2) swear or affirm under penalty of perjury that the veteran**  
 27              **benefits consultant's representations and information**  
 28              **provided to the agency are true; and**

29              **(3) pay the fees under IC 25-45-3.**

30       **Sec. 3. To qualify for registration under this article, an**  
 31       **applicant must not have a violation:**

32              **(1) for a deceptive act under IC 24-5-0.5; or**

33              **(2) in connection with a senior customer (as defined in**  
 34              **IC 24-4.6-6-3(5)) under IC 24-4.6-6.**

35       **Sec. 4. (a) The agency shall electronically register only an**  
 36       **applicant who does the following:**

37              **(1) Electronically applies for the registration on a form**  
 38              **prescribed by the agency.**

39              **(2) Meets the requirements of this article.**

40              **(3) Pays the registration fee under IC 25-40-3.**

(b) The application must include the information the agency requires, including the following:

- (1) The name and address of the applicant.
- (2) Information pertaining to the applicant's military service.
- (3) 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.
- (4) Verification of the individual's lawful status through the United States Citizenship and Immigration Services.
- (5) The applicant's education background and training.
- (6) Information concerning whether the applicant is:
  - (A) part of a business; or
  - (B) acting in their individual capacity.
- (7) An attestation that the applicant will act only in an advisory role as described in IC 25-45-1-4.

**Sec. 5.** The agency shall approve or deny an application for registration. The agency shall return an incomplete application with a notation as to omissions.

**Sec. 6.** A registered veteran benefits consultant who continues to operate as a veteran benefits consultant shall:

- (1) renew the registration not more than ninety (90) days before the expiration of the registration; and
- (2) pay the renewal fee under IC 25-45-3.

### **Chapter 3. Fees**

**Sec. 1. (a)** The agency shall collect the following fees under this article:

- (1) An initial registration fee of one hundred fifty dollars (\$150).
- (2) A renewal fee every three (3) years of one hundred dollars (\$100).
- (3) A restoration fee of one hundred dollars (\$100).

(b) The fees collected by the agency under this article shall be deposited by the agency in the same manner as other fees collected by the agency are deposited.

**Chapter 4. Expiration of Registration**

**Sec. 1. A registered veteran benefits consultant who fails to renew the veteran benefits consultant certificate of registration for a period of not more than five (5) years after the date the registration expires may renew the registration at any time within the five (5) year period after the registration expires by:**

**(1) electronically applying to the agency for renewal of the registration; and**

**(2) paying the renewal fee and the restoration fee under IC 25-45-3-1.**

**Sec. 2. After the five (5) year period referred to in section 1 of this chapter, the following apply:**

**(1) The agency may not restore the expired registration of a veteran benefits consultant.**

**(2) To again be registered under this chapter, a veteran benefits consultant must:**

**(A) make the same application to the agency as an applicant who has not been previously registered; and**

**(B) meet all the requirements set forth in this article for an initial registration.**

**Chapter 5. Unlawful Practice**

**Sec. 1. (a) A person may not use the title "registered veteran benefits consultant" unless the person is registered with the agency under this article.**

**(b) A person may not:**

**(1) present as the person's own registration under this article the registration of another person;**

**(2) make any false statement or representation or make a material omission of fact of any kind in obtaining a registration;**

**(3) impersonate any other registered veteran benefits consultant; or**

**(4) use an expired, suspended, or revoked registration.**

**(c) A violation of this section constitutes a deceptive act under IC 24-5-0.5."**

Renumber all SECTIONS consecutively.

(Reference is to SB 231 as introduced.)