

- 1 (3) Confidentiality;
- 2 (4) Duty of care;
- 3 (5) Duty of honesty; and
- 4 (6) Duty to zealously pursue what is in the best interest
- 5 of their client.

6 §363- Disclosure. (a) No person shall receive
7 compensation for advising or assisting any individual concerning
8 any veterans benefits matter without clearly providing, at the
9 outset of the business relationship, the following disclosure,
10 both orally and in writing:

11 "THIS BUSINESS IS NOT SPONSORED BY, OR AFFILIATED WITH, THE
12 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE HAWAII
13 DEPARTMENT OF DEFENSE, HAWAII OFFICE OF VETERANS' SERVICES, OR
14 ANY OTHER FEDERALLY CHARTERED VETERANS SERVICE ORGANIZATION.
15 OTHER ORGANIZATIONS, INCLUDING BUT NOT LIMITED TO THE HAWAII
16 DEPARTMENT OF DEFENSE, HAWAII OFFICE OF VETERANS' SERVICES, YOUR
17 LOCAL COUNTY VETERANS SERVICE AGENCY, AND OTHER FEDERALLY
18 CHARTERED VETERANS SERVICE ORGANIZATIONS, MAY BE ABLE TO PROVIDE
19 YOU WITH THIS SERVICE FREE OF CHARGE. PRODUCTS OR SERVICES
20 OFFERED BY THIS BUSINESS ARE NOT NECESSARILY ENDORSED BY ANY OF
21 THESE ORGANIZATIONS. YOU MAY QUALIFY FOR OTHER VETERANS



1 BENEFITS BEYOND THE BENEFITS FOR WHICH YOU ARE RECEIVING
2 SERVICES HERE."

3 (b) The written disclosure required by subsection (a)
4 shall appear in at least twelve-point font and shall appear in a
5 readily noticeable and identifiable place in the agreement with
6 the individual seeking services. The individual shall verbally
7 acknowledge understanding of the oral disclosure and shall sign
8 the document in which the written disclosure appears to indicate
9 understanding of these provisions. The person offering services
10 shall retain a copy of the written disclosure while providing
11 veterans benefits services for compensation to the individual
12 and for at least one year after the date on which the services
13 terminate.

14 (c) Any person who receives compensation for advising or
15 assisting any individual concerning any veterans benefits matter
16 shall disclose the estimated cost of the services prior to the
17 onset of the contract for their services.

18 **§363- Advertising.** (a) No person shall advertise
19 for-compensation services in veterans benefits matters unless
20 the advertisement includes the following disclosure:



1 "THIS BUSINESS IS NOT SPONSORED BY, OR AFFILIATED WITH, THE
2 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, THE HAWAII
3 DEPARTMENT OF DEFENSE, THE HAWAII OFFICE OF VETERANS' SERVICES,
4 OR ANY OTHER FEDERALLY CHARTERED VETERANS SERVICE ORGANIZATION.
5 OTHER ORGANIZATIONS, INCLUDING BUT NOT LIMITED TO THE HAWAII
6 DEPARTMENT OF DEFENSE, HAWAII OFFICE OF VETERANS' SERVICES, YOUR
7 LOCAL COUNTY VETERANS SERVICE AGENCY, AND OTHER FEDERALLY
8 CHARTERED VETERANS SERVICE ORGANIZATIONS, MAY BE ABLE TO PROVIDE
9 YOU WITH THESE SERVICES FREE OF CHARGE. PRODUCTS OR SERVICES
10 OFFERED BY THIS BUSINESS ARE NOT NECESSARILY ENDORSED BY ANY OF
11 THESE ORGANIZATIONS. YOU MAY QUALIFY FOR OTHER VETERANS
12 BENEFITS BEYOND THE SERVICES THAT THIS BUSINESS OFFERS."

13 (b) If the advertisement is printed, including but not
14 limited to advertisements visible to internet users, the
15 disclosure required by subsection (a) shall appear in a readily
16 visible place on the advertisement. If the advertisement is
17 verbal, the disclosure shall be spoken in a clear and
18 intelligible manner.

19 **§363- Penalty.** A violation of the provisions of this
20 part shall be an unfair or deceptive act or practice under
21 chapter 481A and a violation of section 480-2."



1 SECTION 3. Chapter 363, Hawaii Revised Statutes, is
2 amended by designating sections 363-1 to 363-13 as part I,
3 entitled "General Provisions".

4 SECTION 4. Section 363-1, Hawaii Revised Statutes, is
5 amended by adding three new definitions to be appropriately
6 inserted and to read as follows:

7 "Compensation" means payment of any money, thing of value,
8 or financial benefit.

9 "Person" means an individual, corporation, business trust,
10 estate, trust, partnership, limited liability company,
11 association, joint venture, public corporation, government or
12 governmental subdivision, agency, or instrumentality, or any
13 other legal or commercial entity.

14 "Veterans benefits matter" means the preparation,
15 presentation, or prosecution of any claim affecting any person
16 who has filed or expressed an intent to file a claim for any
17 benefit, program, service, commodity, function, or status,
18 entitlement to which is determined under the laws and
19 regulations administered by the United States Department of
20 Veterans Affairs or the department of defense pertaining to



1 veterans, their dependents, their survivors, and any other
2 individual eligible for such benefits."

3 SECTION 5. If any provision of this Act, or the
4 application thereof to any person or circumstance, is held
5 invalid, the invalidity does not affect other provisions or
6 applications of the Act that can be given effect without the
7 invalid provision or application, and to this end the provisions
8 of this Act are severable.

9 SECTION 6. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 7. New statutory material is underscored.

13 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

Veterans Rights and Benefits; Advisors; Compensation; Ethical Standards; Disclosures

Description:

Establishes provisions governing any person who receives compensation for advising or assisting another person with veterans benefits. Effective 7/1/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

