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# A BILL FOR AN ACT

RELATING TO VETERANS RIGHTS AND BENEFITS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to prohibit persons  
2 from receiving compensation for advising or assisting with  
3 veterans benefits.

4           SECTION 2. Chapter 363, Hawaii Revised Statutes, is  
5 amended by adding a new part to be appropriately designated and  
6 to read as follows:

7                               **"PART           .    VETERANS BENEFITS**

8           **§363-           Prohibitions.** (a) No person shall receive  
9 compensation for advising or assisting any individual with  
10 regard to any veterans benefits matter, except as permitted  
11 under federal law.

12           (b) No person shall receive compensation for referring any  
13 individual to another person to advise or assist this individual  
14 with any veterans benefits matter.

15           (c) A person seeking to receive compensation for advising  
16 or assisting any individual with any veterans benefits matter,  
17 before rendering any services, shall memorialize in a written



1 agreement all terms regarding the individual's payment of fees  
2 for services rendered, signed by both parties, that adheres to  
3 all criteria specified within title 38 Code of Federal  
4 Regulations section 14.636.

5 (d) No person shall receive any compensation for any  
6 services rendered before the date upon which a notice of  
7 disagreement is filed with respect to the individual's case.

8 (e) No person shall guarantee, either directly or by  
9 implication, that any individual is certain to receive specific  
10 veterans benefits or that any individual is certain to receive a  
11 specific level, percentage, or amount of veterans benefits.

12 (f) No person shall receive excessive or unreasonable fees  
13 as compensation for advising or assisting any individual with  
14 any veterans benefits matter. The factors articulated within  
15 title 38 Code of Federal Regulations section 14.636 shall govern  
16 determinations of whether a fee is excessive or unreasonable.

17 **§363- Disclosure.** (a) No person shall advise or  
18 assist for compensation any individual concerning any veterans  
19 benefits matter without clearly providing, at the outset of the  
20 business relationship, the following disclosure, both orally and  
21 in writing:



1 "THIS BUSINESS IS NOT SPONSORED BY, OR AFFILIATED WITH, THE  
2 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE HAWAII  
3 DEPARTMENT OF DEFENSE, HAWAII OFFICE OF VETERANS' SERVICES, OR  
4 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 THIS SERVICE 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 BENEFITS FOR WHICH YOU ARE RECEIVING  
13 SERVICES HERE."

14 (b) The written disclosure shall appear in at least  
15 twelve-point font and shall appear in a readily noticeable and  
16 identifiable place in the person's agreement with the individual  
17 seeking services. The individual shall verbally acknowledge  
18 understanding of the oral disclosure and shall sign the document  
19 in which the written disclosure appears, to represent  
20 understanding of these provisions. The person offering services  
21 shall retain a copy of the written disclosure while providing



1 veterans benefits services for compensation to the individual  
2 and for at least one year after the date on which the service  
3 relationship terminates.

4       **§363- Advertising.** (a) No person shall advertise  
5 for-compensation services in veterans benefits matters without  
6 including the following disclosure:

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

19       (b) If the advertisement is printed, including but not  
20 limited to advertisements visible to internet users, the  
21 disclosure shall appear in a readily visible place on the



1 advertisement. If the advertisement is verbal, the spoken  
2 statement of the disclosure shall be clear and intelligible.

3 **§363- Penalty.** A violation of the provisions of this  
4 part shall be an unfair or deceptive act or practice under  
5 chapter 481A and a violation of section 480-2."

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

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

12 "Compensation" means payment of any money, thing of value,  
13 or financial benefit.

14 "Person" means an individual, corporation, business trust,  
15 estate, trust, partnership, limited liability company,  
16 association, joint venture, public corporation, government or  
17 governmental subdivision, agency, or instrumentality, or any  
18 other legal or commercial entity.

19 "Veterans benefits matter" means the preparation,  
20 presentation, or prosecution of any claim affecting any person  
21 who has filed or expressed an intent to file a claim for any



1 benefit, program, service, commodity, function, or status,  
2 entitlement to which is determined under the laws and  
3 regulations administered by the United States Department of  
4 Veterans Affairs or the department of defense pertaining to  
5 veterans, their dependents, their survivors, and any other  
6 individual eligible for such benefits."

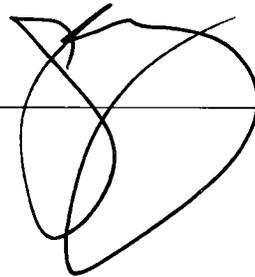
7 SECTION 5. If any provision of this Act, or the  
8 application thereof to any person or circumstance, is held  
9 invalid, the invalidity does not affect other provisions or  
10 applications of the Act that can be given effect without the  
11 invalid provision or application, and to this end the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

13 SECTION 6. New statutory material is underscored.

14 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, consisting of several overlapping loops and a small mark at the top, positioned over a horizontal line.

# S.B. NO. 2095

**Report Title:**

Veterans Rights and Benefits; Advising; Prohibitions

**Description:**

Prohibits persons from receiving compensation for advising or assisting with veterans benefits.

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

