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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 legislature acknowledges the risk of  
2 misleading or unfair practices associated with the services  
3 associated with veterans benefits matters and emphasizes the  
4 necessity of requirements and restrictions to protect veteran  
5 consumers from potential exploitation.

6           Accordingly, the purpose of this Act is to regulate persons  
7 receiving compensation for providing advice or assistance  
8 regarding veterans benefits, except as permitted under federal  
9 law.

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

13                                   **"PART       .    VETERANS BENEFITS**

14           **§363-       Prohibitions.** (a) No person shall receive  
15 compensation for:

- 16           (1) Preparation, presentation, or prosecution of; or  
17           (2) Advising, consulting, or assisting an individual with,



1 any veterans benefits matter, except as permitted under federal  
2 law.

3 (b) No person shall receive compensation for referring any  
4 individual to another person to:

5 (1) Prepare, present, or prosecute; or

6 (2) Advise, consult, or assist,

7 the individual with any veterans benefits matter.

8 (c) 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 (d) No person shall receive excessive or unreasonable fees  
13 as compensation for:

14 (1) Preparation, presentation, or prosecution of; or

15 (2) Advising, consulting, or assisting an individual with,  
16 any veterans benefits matter. The factors articulated within

17 title 38 Code of Federal Regulations section 14.636 shall govern  
18 determinations of whether a fee is excessive or unreasonable.

19 **§363- Disclosure.** A person seeking to receive  
20 compensation for:

21 (1) Preparation, presentation, or prosecution of; or



1           (2) Advising, consulting, or assisting an individual with,  
2 any veterans benefits matter, before rendering any services,  
3 shall memorialize in a written agreement, signed by both parties  
4 and that adheres to all criteria specified in title 38 Code of  
5 Federal Regulations section 14.636, all terms regarding the  
6 individual's payment of fees for services rendered.

7           **§363- Penalty.** A violation of this part shall be an  
8 unfair or deceptive act or practice under chapter 481A and a  
9 violation of section 480-2.

10          **§363- Exceptions.** This part does not apply to:

- 11           (1) An accredited representative of a recognized  
12 organization or an accredited agent or attorney under  
13 title 38 Code of Federal Regulations section 14.629;  
14 or  
15           (2) An employee of the department of defense operating  
16 within that employee's capacity as an employee of the  
17 department of defense."

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



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

4 "Compensation" means payment of any money, thing of value,  
5 or financial benefit.

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

11 "Veterans benefits matter" means the preparation,  
12 presentation, or prosecution of any claim affecting an  
13 individual who has filed or expressed an intent to file a claim  
14 for any benefit, program, service, commodity, function, or  
15 status, entitlement to which is determined under the laws and  
16 regulations administered by the United States Department of  
17 Veterans Affairs or the United States Department of Defense  
18 pertaining to veterans, their dependents, their survivors, and  
19 any other individual eligible for such benefits."

20 SECTION 5. If any provision of this Act, or the  
21 application thereof to any person or circumstance, is held



1 invalid, the invalidity does not affect other provisions or  
2 applications of the Act that can be given effect without the  
3 invalid provision or application, and to this end the provisions  
4 of this Act are severable.

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

8 SECTION 7. This Act shall not be applied so as to impair  
9 any contract existing as of the effective date of this Act in a  
10 manner violative of either the Hawaii State Constitution or  
11 Article I, Section 10, of the United States Constitution.

12 SECTION 8. New statutory material is underscored.

13 SECTION 9. This Act shall take effect on July 1, 2077.

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# S.B. NO. 608 S.D. 1

**Report Title:**

Veterans Rights and Benefits; Advising; Regulation

**Description:**

Regulates persons receiving compensation for providing advice or assistance regarding veterans benefits. Effective 7/1/2077.  
(SD1)

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

