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# A BILL FOR AN ACT

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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 regulate persons  
2 receiving compensation for providing advice or assistance  
3 regarding veterans benefits, except as permitted under federal  
4 law.

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

8                               **"PART       .   VETERANS BENEFITS**

9       **§363-       Prohibitions.** (a) No person shall receive  
10 compensation for:

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

12       (2) Advising, consulting, or assisting an individual with,  
13 any veterans benefits matter, except as permitted under federal  
14 law.

15       (b) No person shall receive compensation for referring any  
16 individual to another person to:



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

2 (2) Advise, consult, or assist,

3 the individual with any veterans benefits matter.

4 (c) No person shall guarantee, either directly or by

5 implication, that any individual is certain to receive specific

6 veterans benefits or that any individual is certain to receive a

7 specific level, percentage, or amount of veterans benefits.

8 (d) No person shall receive excessive or unreasonable fees

9 as compensation for:

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

11 (2) Advising, consulting, or assisting an individual with,

12 any veterans benefits matter. The factors articulated within

13 title 38 Code of Federal Regulations section 14.636 shall govern

14 determinations of whether a fee is excessive or unreasonable.

15 **§363- Disclosure.** A person seeking to receive

16 compensation for:

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

18 (2) Advising, consulting, or assisting an individual with,

19 any veterans benefits matter, before rendering any services,

20 shall memorialize in a written agreement, signed by both parties

21 and that adheres to all criteria specified in title 38 Code of



1 Federal Regulations section 14.636, all terms regarding the  
2 individual's payment of fees for services rendered.

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

6       **§363-       Exceptions.** This part does not apply to:

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

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

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

20       "Compensation" means payment of any money, thing of value,  
21 or financial benefit.



1       "Person" means an individual, corporation, business trust,  
2       estate, trust, partnership, limited liability company,  
3       association, joint venture, public corporation, government or  
4       governmental subdivision, agency, or instrumentality, or any  
5       other legal or commercial entity.

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

15       SECTION 5. If any provision of this Act, or the  
16       application thereof to any person or circumstance, is held  
17       invalid, the invalidity does not affect other provisions or  
18       applications of the Act that can be given effect without the  
19       invalid provision or application, and to this end the provisions  
20       of this Act are severable.

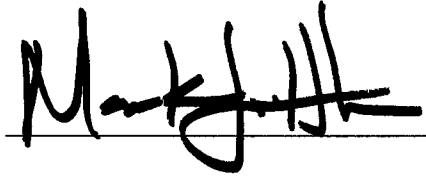


1 SECTION 6. New statutory material is underscored.

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

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Mark J. Miller", is written over a horizontal line.

JAN 17 2025



**Report Title:**

Veterans Rights and Benefits; Advising; Regulation

**Description:**

Regulates persons receiving compensation for providing advice or assistance regarding 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.*

