

1 H.103

2 Introduced by Representatives Labor of Morgan, Page of Newport City,
3 Coffin of Cavendish, Morgan, M. of Milton, and Wells of
4 Brownington

5 Referred to Committee on

6 Date:

7 Subject: Internal security and public safety; veterans; consumer protection;
8 veterans' benefits

9 Statement of purpose of bill as introduced: This bill proposes to prohibit
10 unfair and deceptive practices in matters involving veterans' benefits.

11 An act relating to prohibited practices for services involving veterans'
12 benefits

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 20 V.S.A. chapter 88 is added to read:

15 CHAPTER 88. PROTECTION OF VETERANS' BENEFITS

16 § 1751. LEGISLATIVE INTENT

17 It is the intent of the General Assembly to protect veterans, their
18 dependents, and survivors from paying compensation for assistance with filing
19 veteran-related claims to any person who is not accredited by the U.S.
20 Department of Veterans or providing assistance in their capacity as an

1 employee of the Vermont Office of Veterans Affairs or Vermont Veterans'
2 Home.

3 § 1752. DEFINITIONS

4 As used in this chapter:

5 (1) "Compensation" means payment of money, a thing of value, or a
6 financial benefit.

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

14 § 1753. PROHIBITED CONDUCT

15 (a) For purposes of this section, "person" does not include an accredited
16 representative of a recognized organization or an accredited agent or attorney
17 pursuant to 38 C.F.R. § 14.629 (requirements for accreditation), as amended,
18 or individuals working within their capacity as employees of the Vermont
19 Office of Veterans Affairs or the Vermont Veterans' Home.

20 (b) The following conduct is prohibited:

1 (1) No person shall receive compensation for advising any individual
2 with regard to any veterans' benefits matter, except as permitted under Title 38
3 of the United States Code and the regulations adopted pursuant to Title 38, as
4 amended.

5 (2) No person shall receive compensation for referring any individual to
6 another person for advice, consultation, or assistance with regard to any
7 veterans' benefits matter.

8 (3) No person shall receive compensation for any services rendered
9 before the date on which a notice of disagreement, decision review, or appeal
10 is filed, whichever occurs first, with respect to an individual's veterans'
11 benefits matter.

12 (4) No person shall guarantee, either directly or by implication, that any
13 individual is certain to receive specific veterans' benefits or that any individual
14 is certain to receive a specific level, percentage, or amount of veterans'
15 benefits.

16 (5) No person offering advice, consultation, or assistance with regard to
17 any veterans' benefits matter shall falsely claim or represent, either directly or
18 indirectly, that the person is sponsored by, affiliated with, or accredited by the
19 U.S. Department of Veterans Affairs, the Vermont Office of Veterans Affairs,
20 or the Vermont Veterans' Home.

21 § 1754. MEMORIALIZATION OF TERMS

1 A person seeking to receive compensation for advising, consulting, or
2 assisting an individual with a veterans' benefits matter shall, before rendering
3 any services, memorialize all terms regarding payment for services to be
4 rendered in a written agreement, signed by both parties. To be valid, the
5 written agreement must adhere to all criteria specified in 38 C.F.R. § 14.636(g)
6 (fee agreements), as amended.

7 § 1755. FEES

8 No person shall receive excessive or unreasonable fees as compensation for
9 advising or assisting an individual with any veterans' benefits matter. Factors
10 to be considered in determining whether fees are excessive or unreasonable
11 include those specified in 38 C.F.R. § 14.636(e) (fee reasonableness factors),
12 as amended.

13 § 1756. VIOLATION

14 (a) A violation of this chapter is deemed to be a violation of 9 V.S.A.
15 § 2453.

16 (b) The Attorney General or a State's Attorney has the same authority to
17 make rules, conduct civil investigations, enter into assurances of
18 discontinuance, and bring civil actions, and private parties have the same rights
19 and remedies, as provided under 9 V.S.A. chapter 63, subchapter 1.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2025.