



SPONSOR: Rep. Hilovsky & Sen. Buckson
Reps. Carson, Chukwuocha, Gray, Morris, Osienski,
Ramone, D. Short, Shupe, Michael Smith, Wilson-Anton,
Yearick; Sens. Hocker, Hoffner, Huxtable, Pettyjohn,
Sokola, Wilson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 272

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO VETERANS' BENEFITS AND TRADE PRACTICES.

WHEREAS, veterans seeking assistance or advice to understand and file Veterans Administration benefit claims often pay burdensome fees for such help outside of the traditional Veterans Administration (V.A.) accredited agencies; and

WHEREAS, under federal law, fees for assistance or advice charged to veterans seeking benefits are illegal unless such entities offering such services are V.A. accredited agencies; and

WHEREAS, businesses that are not V.A. accredited may not adhere to established professional and ethical standards and may coerce veterans into unethical contracts and may mislead veterans; and

WHEREAS, non-V.A. accredited businesses often use predatory practices to promise or guarantee, for a fee, that a veteran will receive increased benefits, an increase in a disability rating, or receive expedited claims service; and

WHEREAS, non-V.A. accredited businesses have requested from veterans' access to a veteran's personal V.A. file and thereby expose the veteran's personal information; and

WHEREAS, non-V.A. businesses often fail to disclose that services may be fully available at no charge to the veteran through the V.A. or V.A. accredited agencies and that other services beyond the scope of the business may be available to the veteran from the V.A. or its accredited agencies; and

WHEREAS, the V.A. accredited agencies include V.A. accredited attorneys, claims agents, organizations like the American Legion, VFW, and American Veterans.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 25, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter XII. Veterans' Benefits and Trade Practices

§ 2599. Prohibition from receiving compensation for advising or assisting with veterans' benefits.

22 (a)(1) No person shall receive compensation for advising or assisting any individual with regard to any veterans'
23 benefits matter, except as permitting under federal law.

24 (2) No person shall receive compensation for referring any individual to another person to advise or assist this
25 individual with any veterans' matter.

26 (3) A person seeking to receive compensation for advising or assisting any individual with any veterans'
27 benefits matter shall, before rendering any services, memorialize all terms regarding the individual's payment of fees for
28 services rendered in a written agreement, signed by both parties, that adheres to all criteria specified within 38
29 C.F.R.s.14.636.

30 (4) No person shall receive any compensation for any services rendered before the date on which a notice of
31 disagreement is filed with respect to the individual's case.

32 (5) No person shall guarantee, either directly or by implication, that any individual is certain to receive specific
33 veterans' benefits or that any individual is certain to receive a specific level, percentage, or amount of veterans' benefits.

34 (6) No person shall receive excessive or unreasonable fees as compensation for advising or assisting any
35 individual with any veterans' benefits matter. The factors articulated within 38 C.F.R. s.14.636 shall govern determinations
36 of whether a fee is excessive or unreasonable.

37 (b)(1) No person shall advise or assist for compensation any individual concerning any veterans' benefits matter
38 without clearly providing, at the outset of the business relationship, the following disclosure, both orally and in writing:

39 "This business is not sponsored by or affiliated with the United States Department of Veterans Affairs or any State
40 of Delaware agency, department, or commission, or any other federally chartered veterans' service organization. Other
41 organizations may be able to provide you with this service free of charge. Products or services offered by this business are
42 not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits
43 for which you are receiving services here."

44 The written disclosure shall appear in at least twelve-point font and shall appear in a readily noticeable and
45 identifiable place in the person's agreement with the individual seeking services. The individual shall verbally
46 acknowledge understanding of the oral disclosure and shall sign the document in which the written disclosure appears, to
47 represent understanding of these provisions. The person offering services shall retain a copy of the written disclosure while
48 providing veterans' benefits services for the compensation to the individual and for at least 1 year after the date on which
49 the service relationship terminates.

50 (2) No person shall advertise for-compensation services in veterans' benefits matters without including the
51 following disclosure:

52 “This business is not sponsored by, or affiliated with, the United States Department of Veterans Affairs or any
53 State of Delaware agency, department, or commission, or any other federally chartered veterans’ service organization.
54 Other organizations, and other federally chartered veterans’ service organizations, may be able to provide you with these
55 services free of charge. Products or services offered by this business are not necessarily endorsed by any of these
56 organization. You may qualify for other veterans’ benefits beyond the services that this business offers.”

57 If the advertisement is printed, including but not limited to advertisements visible to internet users, the disclosure
58 shall appear in a readily visible place on the advertisement. If the advertisement is verbal, the spoken statement of the
59 disclosure shall be clear and intelligible.

60 (c) A violation of the provisions of this section shall be a deceptive trade practice and a violation of this chapter.

61 (d) As used in this section:

62 (1) “Compensation” means payment of any money, thing of value, or financial benefit.

63 (2) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability
64 company, association, joint venture, public corporation, government or governmental subdivision, agency, or
65 instrumentality, or any other legal or commercial entity.

66 (3) “Veterans’ benefits matter” means the preparation, presentation, or prosecution of any claim affecting
67 any person who has filed or expressed an intent to file a claim for any benefit, program, service, commodity,
68 function, or status, entitlement to which is determined under the laws and regulations administered by the United
69 States Department of Veterans Affairs or any State of Delaware agency, department, or commission pertaining to
70 veterans, their dependents, their survivors, and any other individual eligible for such benefits.

71 Section 2. This Act takes effect upon its enactment into law.

SYNOPSIS

This act prohibits persons from receiving compensation for advising or assisting with veterans' benefits earned by serving our nation in the military. This bill would not prohibit persons or business entities from receiving compensation for advice to Veterans that is unrelated to veteran claims or services available to veterans from the V.A. or its accredited agencies. Investment, insurance, banking, and other advice or services not provided by the V.A. or its accredited agencies may be obtained by veterans and fees charged for such services.