

2024 Regular Session

HOUSE BILL NO. 496

BY REPRESENTATIVE HORTON

VETERANS: Provides relative to compensation for assistance with veterans benefits

1 AN ACT

2 To enact R.S. 29:26.2, relative to veterans benefits; to provide for definitions; to prohibit
3 compensation for assisting any individual to obtain veterans benefits; to prohibit
4 compensation for referring any individual to another individual for assistance to
5 obtain veterans benefits; to provide for an effective date; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:26.2 is hereby enacted to read as follows:

9 §26.2. Compensation for assistance with veterans benefits

10 A. For purposes of this Section:

11 (1) "Compensation" means payment of any money, thing of value, or
12 financial benefit.

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

1 B.(1) Except as permitted under federal law, no person shall receive
2 compensation for preparing, presenting, prosecuting, advising, consulting, or
3 assisting any individual with regard to any veterans benefits matter before the United
4 States Department of Veterans Affairs, the United States Department of Defense, or
5 the Louisiana Department of Veterans Affairs.

6 (2) No person shall receive compensation for referring any individual to
7 another person to prepare, present, prosecute, advise, consult, or assist regarding any
8 veterans benefits matter before the United States Department of Veterans Affairs, the
9 United States Department of Defense, or the Louisiana Department of Veterans
10 Affairs.

11 (3) Nothing in this Section shall be construed to prohibit a division of fees
12 between attorneys that is otherwise proper under Louisiana law and the Louisiana
13 Rules of Professional Conduct.

14 (4) A violation of this Section shall be a deceptive trade practice under the
15 Uniform Deceptive Trade Practices Act.

16 C. Any person who receives compensation for preparing, presenting,
17 prosecuting, advising, consulting, or assisting an individual with regard to any
18 veterans benefits matter before the United States Department of Veterans Affairs, the
19 United States Department of Defense, or the Louisiana Department of Veterans
20 Affairs shall be held to the same ethical standards as an attorney is held to in the
21 Louisiana Rules of Professional Conduct regarding the following areas:

22 (1) Advertising.

23 (2) Solicitation of new clients.

24 (3) Confidentiality.

25 (4) Duty of care.

26 (5) Duty of honesty.

27 (6) Duty to diligently pursue what is in the best interest of the client.

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 496 Original

2024 Regular Session

Horton

Abstract: Prohibits compensation for assisting any individual to obtain veterans benefits or referring any individual to another individual for assistance to obtain veterans benefits.

Proposed law provides relative to veterans benefits.

Proposed law provides for definitions.

Proposed law prohibits compensation for assisting any individual to obtain veterans benefits or referring any individual to another individual for assistance to obtain veterans benefits.

Proposed law provides that proposed law shall not be construed to prohibit a division of fees between attorneys that is otherwise proper under La. law and the La. Rules of Professional Conduct.

Proposed law provides that a violation of proposed law shall be a deceptive trade practice under the Uniform Deceptive Trade Practices Act.

Proposed law provides that any person who violates proposed law shall be held to the same ethical standards as an attorney is held to in certain areas of the La. Rules of Professional Conduct.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 29:26.2)