
HOUSE COMMITTEE AMENDMENTS

2024 Regular Session

Substitute for Original House Bill No. 496 by Representative Horton as proposed by the House Committee on Judiciary

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To enact R.S. 29:6.2, relative to veterans benefits; to provide for definitions; to prohibit compensation for assisting any individual to obtain veterans benefits; to prohibit compensation for referring any individual to another individual for assistance to obtain veterans benefits; to provide for fees; to provide for fee agreements; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:6.2 is hereby enacted to read as follows:

§26.2. Compensation for assistance with veterans benefits

A. For purposes of this Section:

(1) "Accredited agent or attorney" shall mean an individual who has met the requirements and has been accredited as provided by 38 CFR Part 14, Section 14.629.

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

(3) "Person" means a natural or juridical person as defined by Civil Code Article 24.

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

B.(1) Only an accredited agent or attorney and no other person shall receive compensation for coaching, consulting, advising, or assisting any individual with regard to any veterans benefits matter.

(2) An accredited agent or attorney seeking to receive compensation for advising or assisting any individual with any veterans benefits matter shall, before rendering any services, memorialize all terms regarding the individual's payment of fees for services, in writing and signed by both the claimant or appellant and the agent or attorney as provided by 38 CFR Part 14, Section 636(g).

(3) An accredited agent or attorney shall not receive excessive or unreasonable fees as compensation for advising or assisting any individual with any veterans benefits matter. The factors articulated within 38 CFR Part 14, Section 636(e) shall govern determinations of whether a fee is excessive or unreasonable.

(4) If, after agreement between the parties, a veteran dies prior to the veteran's claim being processed, then any fee, payment plan, or compensation agreed to be given to the assisting party shall be waived, cancelled, and otherwise rendered void.

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

C. No person shall receive compensation for any of the following:

(1) Referring any individual to another person to advise or assist the individual with any veterans benefits matter.

(2) Rendering services before the date on which a notice of disagreement is filed with respect to the individual's case.

(3) Assisting with, consulting on, or preparing of any veteran's pension matter.

D. No person shall do any of the following:

(a) Guarantee, either directly or by implication, that any individual is certain to receive specific veterans benefits or that any individual is certain to receive a specific level, percentage, or amount of veterans benefits.

(b) Utilize a medical professional with whom he has an employment or business relationship for a secondary medical exam.

(c) Utilize a call center or data center for processing veterans personal information.

(d) Gain direct access to any personal medical, financial, or government benefits log-in, username, or password information of the veteran.

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

"This business is not sponsored by, or affiliated with, the United States Department of Veterans Affairs or the Louisiana Department of Veterans Affairs, or any other federally chartered veterans service organization. Other organizations, including but not limited to the Louisiana Department of Veterans Affairs, your local parish veterans service agency, and other federally chartered veterans service organizations, may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans benefits beyond the benefits for which you are receiving services here."

(2) The written disclosure required by this Subsection shall appear in at least twelve-point font and shall appear in a readily noticeable and identifiable place in the person's agreement with the individual seeking services. The individual shall verbally acknowledge understanding of the oral disclosure and shall sign the document in which the written disclosure appears, to represent understanding of these provisions. The person offering services shall retain a copy of the written disclosure while providing veterans benefits services for compensation to the individual and for at least one year after the date on which the service relationship terminates.

F.(1) No person seeking to receive compensation shall advertise his services for veteran benefits matters without including the following disclosure:

"This business is not sponsored by, or affiliated with, the United States Department of Veterans Affairs or the Louisiana Department of Veterans Affairs, or any other federally chartered veterans service organization. Other organizations, including but not limited to the Louisiana Department of Veterans Affairs, your local parish veterans service agency, and other federally chartered veterans service organizations, may be able to provide you with these services free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans benefits beyond the services that this business offers."

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

G. A violation of this Section shall be a deceptive trade practice under the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become 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 Draft

2024 Regular Session

Abstract: Provides relative to compensation for assistance with veterans benefits.

Proposed law provides relative to veterans benefits.

Proposed law provides for definitions.

Proposed law authorizes compensation for an accredited agent or attorney assisting any individual with regard to any veterans benefit matter.

Proposed law provides requirements for fee agreements and provides restrictions for the amount of fees received as compensation by an accredited agent or attorney.

Proposed law prohibits any other person other than an accredited agent or attorney from receiving compensation for assisting any individual with regard to any veterans benefit matter or referring any individual to another individual for assistance with regard to any veterans benefit matter.

Proposed law prohibits any person from receiving compensation for rendering services before the date on which a notice of disagreement is filed with respect to the individual's case.

Proposed law prohibits any person from receiving compensation for assisting with, consulting on, or preparing of any veteran's pension matter.

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 no person shall do any of the following:

- (1) Guarantee, either directly or by implication, that any individual is certain to receive specific veterans benefits or that any individual is certain to receive a specific level, percentage, or amount of veterans benefits.
- (2) Utilize a medical professional with whom he has an employment or business relationship for a secondary medical exam.
- (3) Utilize a call center or data center for processing veterans personal information.
- (4) Gain direct access to any personal medical, financial, or government benefits log-in, username, or password information of the veteran.

Proposed law requires disclosure, both orally and in writing, at the outset of the business relationship of any individual and the person receiving compensation for advising or assisting with any veterans benefits matter. Provides certain conditions for oral and written disclosure.

Proposed law requires disclosure for advertising services for veterans benefits matters.

Proposed law provides that a violation of proposed law shall be a deceptive trade practice under the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.

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

(Adds R.S. 29:6.2)