

HOUSE BILL NO. HB0159

Prohibition on unauthorized fees-veterans benefits.

Sponsored by: Representative(s) Knapp, Bear, Brown, Clouston, Conrad, Haroldson, Heiner, Neiman, Pendergraft, Styvar and Winter and Senator(s) Barlow

A BILL

for

1 AN ACT relating to trade and commerce; prohibiting
2 compensation for advising or assisting a person on veterans
3 benefits matters except as permitted under federal law;
4 providing limitations; providing definitions; providing for
5 enforcement and penalties; specifying applicability; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 40-12-801 is created to read:

11

12

ARTICLE 8

13

ADVISING ON VETERANS BENEFITS

14

1 **40-12-801. Compensation for advising on veterans**
2 **benefits prohibited; limitations; penalties; definitions.**

3

4 (a) No person shall receive compensation for advising
5 or assisting any person with regard to any federal or state
6 veterans benefits matter, except as permitted under federal
7 law and as provided in this section.

8

9 (b) No person shall receive compensation for
10 referring any person to another person to advise or assist
11 the person with any veterans benefits matter.

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13 (c) A person seeking to receive compensation for
14 advising or assisting any person with any veterans benefits
15 matter shall, before rendering any services, memorialize
16 all terms regarding the person's payment of fees for
17 services rendered in a written agreement, signed by both
18 parties, that adheres to all criteria specified in 38
19 C.F.R. 14.636.

20

21 (d) No person shall receive any compensation for any
22 services rendered before the date on which a notice of
23 disagreement is filed with respect to the person's case.

1

2 (e) No person shall guarantee, either directly or by
3 implication, that any person is certain to receive specific
4 veterans benefits or that any person is certain to receive
5 a specific level, percentage or amount of veterans
6 benefits.

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8 (f) No person shall receive excessive or unreasonable
9 fees as compensation for advising or assisting any person
10 with any veterans benefits matter. The factors specified in
11 38 C.F.R. 14.636 shall govern determinations of whether a
12 fee is excessive or unreasonable.

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14 (g) No person shall advise or assist for compensation
15 any person concerning any veterans benefits matter without
16 clearly providing, at the outset of the business
17 relationship, the following disclosure, both orally and in
18 writing:

19

20 "This business is not sponsored by, or affiliated
21 with, the United States Department of Veterans
22 Affairs, the Wyoming Military Department or any
23 other federally chartered veterans service

1 organization. Other organizations, including but
2 not limited to the Wyoming Military Department,
3 your local county veterans service agency and
4 other federally chartered veterans service
5 organizations, may be able to provide you with
6 this service free of charge. Products or services
7 offered by this business are not necessarily
8 endorsed by any of these organizations. You may
9 qualify for other veterans benefits beyond the
10 benefits for which you are receiving services
11 here."

12

13 The written disclosure shall appear in not less than twelve
14 (12) point font and shall appear in a readily noticeable
15 and identifiable place in the person's agreement with the
16 person seeking services. The person shall verbally
17 acknowledge understanding of the oral disclosure and shall
18 sign the document in which the written disclosure appears,
19 to represent understanding of the disclosure. The person
20 offering services shall retain a copy of the written
21 disclosure while providing veterans' benefits services for
22 compensation to the person and for at least one (1) year

1 after the date on which the service relationship
2 terminates.

3

4 (h) No person shall advertise for compensation
5 services in any veterans' benefits matters without
6 including the following disclosure:

7

8 "This business is not sponsored by, or affiliated
9 with, the United States Department of Veterans
10 Affairs, the Wyoming Military Department or any
11 other federally chartered veterans service
12 organization. Other organizations, including but
13 not limited to the Wyoming Military Department,
14 your local county veterans service agency and
15 other federally chartered veterans service
16 organizations, may be able to provide you with
17 these services free of charge. Products or
18 services offered by this business are not
19 necessarily endorsed by any of these
20 organizations. You may qualify for other veterans
21 benefits beyond the services that this business
22 offers."

23

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

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8 (j) A violation of this section shall be an unlawful
9 practice and a violation of W.S. 40-12-105.

10

11 (k) As used in this section:

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13 (i) "Veterans benefits matter" means the
14 preparation, presentation or prosecution of any claim
15 affecting any person who has filed or expressed an intent
16 to file a claim for any state or federal benefit, program,
17 service, commodity, function or status, entitlement to
18 which is determined under the laws and regulations
19 administered by the United States department of veterans
20 affairs or the Wyoming military department pertaining to
21 veterans, their dependents, their survivors and any other
22 person eligible for such benefits;

23

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

3

4 **Section 2.** W.S. 40-12-105(a) by creating a new
5 paragraph (xviii) is amended to read:

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7 **40-12-105. Unlawful practices.**

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9 (a) A person engages in a deceptive trade practice
10 unlawful under this act when, in the course of his business
11 and in connection with a consumer transaction, he
12 knowingly:

13

14 (xviii) Violates W.S. 40-12-801.

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16 **Section 3.** This act shall apply to business
17 relationships or agreements that concern any veterans
18 benefits matter where the business relationship begins on
19 and after July 1, 2024.

20

21 **Section 4.** This act is effective July 1, 2024.

22

23

(END)