

STATE OF NEW YORK

8106

2023-2024 Regular Sessions

IN ASSEMBLY

October 13, 2023

Introduced by M. of A. RA -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the veterans' services law, in relation to requiring the notification to veterans of the availability of veterans' services free of charge by federal, state, and local veteran agencies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The veterans' services law is amended by adding a new
2 section 29-b to read as follows:

3 § 29-b. Notification to veterans for free services. 1. Definitions.
4 For the purposes of this section, the following terms shall have the
5 following meanings:

6 (a) "Veteran" shall have the same meaning as such term is defined
7 pursuant to subdivision three of section one of this article.

8 (b) "Veterans services matter" means the preparation, presentation, or
9 prosecution of any claim affecting any person who has filed or expressed
10 an intent to file a claim for any benefit, program, service, commodity,
11 function, or status, entitlement to which is determined under the laws
12 and regulations administered by the United States department of veterans
13 affairs, the department, the New York state division of military and
14 naval affairs, the New York city department of veterans' services, local
15 county veterans service agency, the office of the New York state comp-
16 troller and other federally chartered veterans service organizations or
17 any other state department, agency, office, or corporation pertaining to
18 veterans, their dependents, their survivors, and any other individual
19 eligible for such benefits.

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

22 (d) "Person" means an individual, corporation, business trust, estate,
23 trust, partnership, limited liability company, association, joint

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD13360-01-3

1 venture, public corporation, government or governmental subdivision,
2 agency, or instrumentality, or any other legal or commercial entity.

3 2. Compensation. (a) No person shall receive compensation for advising
4 or assisting any individual with regard to any veterans services matter,
5 except as permitted under federal law.

6 (b) No person shall receive compensation for referring any individual
7 to another person to advise or assist this individual with any veterans
8 services matter.

9 (c) A person seeking to receive compensation for advising or assisting
10 any individual with any veterans services matter shall, before rendering
11 any services, memorialize all terms regarding the individual's payment
12 of fees for services rendered in a written agreement, signed by both
13 parties, that adheres to all criteria specified within federal code,
14 known as 38 C.F.R. s.14.636.

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

18 (e) No person shall guarantee, either directly or by implication, that
19 any individual is certain to receive specific veterans benefits or that
20 any individual is certain to receive a specific level, percentage, or
21 amount of veterans benefits matter.

22 (f) No person shall receive excessive or unreasonable fees as compen-
23 sation for advising or assisting any individual with any veterans
24 services matter. The factors articulated within federal code, known as
25 38 C.F.R. s.14.636 shall govern determinations of whether a fee is
26 excessive or unreasonable.

27 3. Disclosure statements. (a) (i) No person shall advise or assist for
28 compensation any individual concerning any veterans services matter
29 without clearly providing, at the outset of the business relationship,
30 the following disclosure, both orally and in writing:

31 "This business is not sponsored by, or affiliated with, the United
32 States Department of Veterans Affairs, the New York State Department of
33 Veterans' Services, the New York State Division of Military and Naval
34 Affairs, the New York City Department of Veterans' Services, local coun-
35 ty veterans service agency, the Office of the New York State Comptroller
36 and other federally chartered veterans service organizations or any
37 other state department, agency, office, or corporation pertaining to
38 veterans, their dependents, their survivors, and any other individual
39 eligible for such benefits. Organizations, including but not limited to
40 the United States Department of Veterans Affairs, the New York State
41 Department of Veterans' Services, the New York State Division of Mili-
42 tary and Naval Affairs, the New York City Department of Veterans'
43 Services, local county veterans service agency, the Office of the New
44 York State Comptroller and other federally chartered veterans service
45 organizations or any other state department, agency, office, or corpo-
46 ration may be able to provide you with this service free of charge.
47 Products or services offered by this business are not necessarily
48 endorsed by any of these organizations. You may qualify for other
49 veterans benefits beyond the benefits for which you are receiving
50 services here."

51 (ii) The written disclosure shall appear in at least twelve-point font
52 and shall appear in a readily noticeable and identifiable place in the
53 person's agreement with the individual seeking services. The individual
54 shall verbally acknowledge understanding of the oral disclosure and
55 shall sign the document in which the written disclosure appears, to
56 represent understanding of these provisions. The person offering

1 services shall retain a copy of the written disclosure while providing
2 veterans benefits services for compensation to the individual and for at
3 least one year after the date on which the service relationship termi-
4 nates.

5 (b)(i) No person shall advertise for-compensation services in veterans
6 services without including the following disclosure:

7 "This business is not sponsored by, or affiliated with, the United
8 States Department of Veterans Affairs, the New York State Department of
9 Veterans' Services, the New York State Division of Military and Naval
10 Affairs, the New York City Department of Veterans' Services, local coun-
11 ty veterans service agency, the Office of the New York State Comptroller
12 and other federally chartered veterans service organizations or any
13 other state department, agency, office, or corporation pertaining to
14 veterans, their dependents, their survivors, and any other individual
15 eligible for such benefits. Organizations, including but not limited to
16 the United States Department of Veterans Affairs, the New York State
17 Department of Veterans' Services, the New York State Division of Mili-
18 tary and Naval Affairs, the New York City Department of Veterans'
19 Services, local county veterans service agency, the Office of the New
20 York State Comptroller and other federally chartered veterans service
21 organizations or any other state department, agency, office, or corpo-
22 ration, may be able to provide you with these services free of charge.
23 Products or services offered by this business are not necessarily
24 endorsed by any of these organizations. You may qualify for other
25 veterans benefits beyond the services that this business offers."

26 (ii) If the advertisement is printed, including but not limited to
27 advertisements visible to internet users, the disclosure shall appear in
28 a readily visible place on the advertisement. If the advertisement is
29 verbal, the spoken statement of the disclosure shall be clear and intel-
30 ligible.

31 4. Civil penalty. A violation of the provisions of this section shall
32 be an unlawful practice and violations and civil penalties shall be
33 subject to the rules and regulations set forth by the state commission-
34 er. The amount collected from these violations shall be used to support
35 veteran service programs within the department.

36 § 2. This act shall take effect immediately.