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:

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

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

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

(b) "Veterans services 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, entitlement to which is determined under the laws and regulations administered by the United States department of veterans affairs, the department, the New York state division of military and naval affairs, the New York city department of veterans' services, local county veterans service agency, the office of the New York state comptroller and other federally chartered veterans service organizations or any other state department, agency, office, or corporation pertaining to veterans, their dependents, their survivors, and any other individual eligible for such benefits.

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

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

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

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

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

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

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

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

(e) No person shall 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 matter.

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

3. Disclosure statements. (a) (i) No person shall advise or assist for compensation any individual concerning any veterans services 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, the New York State Department of Veterans' Services, the New York State Division of Military and Naval Affairs, the New York City Department of Veterans' Services, local county veterans service agency, the Office of the New York State Comptroller and other federally chartered veterans service organizations or any other state department, agency, office, or corporation pertaining to veterans, their dependents, their survivors, and any other individual eligible for such benefits. Organizations, including but not limited to the United States Department of Veterans Affairs, the New York State Department of Veterans' Services, the New York State Division of Military and Naval Affairs, the New York City Department of Veterans' Services, local county veterans service agency, the Office of the New York State Comptroller and other federally chartered veterans service organizations or any other state department, agency, office, or corporation 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."

(ii) The written disclosure 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.

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

"This business is not sponsored by, or affiliated with, the United States Department of Veterans Affairs, the New York State Department of Veterans' Services, the New York State Division of Military and Naval Affairs, the New York City Department of Veterans' Services, local county veterans service agency, the Office of the New York State Comptroller and other federally chartered veterans service organizations or any other state department, agency, office, or corporation pertaining to veterans, their dependents, their survivors, and any other individual eligible for such benefits. Organizations, including but not limited to the United States Department of Veterans Affairs, the New York State Department of Veterans' Services, the New York State Division of Military and Naval Affairs, the New York City Department of Veterans' Services, local county veterans service agency, the Office of the New York State Comptroller and other federally chartered veterans service organizations or any other state department, agency, office, or corporation, 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."

(ii) 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.

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

§ 2. This act shall take effect immediately.