

The House Committee on Defense and Veterans Affairs offers the following substitute to HB 1323:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia
2 Annotated, relating to the "Fair Business Practices Act," so as to provide certain protections
3 for veterans and other eligible persons applying for military benefits; to provide for
4 limitations; to provide for violations; to provide for definitions; to provide for legislative
5 construction; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
10 relating to the "Fair Business Practices Act," is amended by adding a new Code section to
11 read as follows:

12 "10-1-409.

13 (a) As used in this Code section, the term:

14 (1) 'Compensation' means payment of any money, thing of value, or financial benefit.

15 (2) 'Person' means an individual, corporation, business trust, estate, trust, partnership,

16 limited liability company, association, joint venture, public corporation, government or

17 governmental subdivision, agency, or instrumentality, or any other legal or commercial
18 entity.

19 (3) 'Veterans benefits matter' means the preparation, presentation, or prosecution of any
20 claim affecting any person who has filed or expressed an intent to file a claim for any
21 benefit, program, service, commodity, function, status, or other entitlement determined
22 under the laws and regulations administered by the United States Department of Veterans
23 Affairs or the Department of Veterans Service as pertaining to veterans, their dependents,
24 their survivors, and any other individual eligible for such benefits.

25 (b)(1) No person shall receive compensation for advising or assisting any individual with
26 regard to any veterans benefits matter except as provided in this Code section; 38 U.S.
27 Code Section 5301, regarding the nonassignability and exempt status of benefits; 38 U.S.
28 Code Section 5904, regarding the recognition of agents and attorneys generally; and other
29 applicable federal laws in Title 38 of the United States Code, regarding veterans' benefits
30 in effect on January 1, 2024.

31 (2) No person shall receive compensation for referring any individual to another person
32 to advise or assist such individual with any veterans benefits matter.

33 (3) A person seeking to receive compensation for advising or assisting any individual
34 with any veterans benefits matter shall, before rendering any services, memorialize all
35 terms regarding the individual's payment of fees for services rendered in a written
36 agreement, which shall be signed by both parties.

37 (4) No person shall guarantee, either directly or by implication, that any individual is
38 certain to receive specific veterans benefits or that any individual is certain to receive a
39 specific level, percentage, or amount of veterans benefits.

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

43 'This business is not sponsored by, or affiliated with, the United States Department of
44 Veterans Affairs or any other federally chartered veterans service organization or the
45 Department of Veterans Service. The Department of Veterans Service and other
46 organizations, including, but not limited to, your local county veterans service agency,
47 and other federally chartered veterans service organizations, may be able to provide you
48 with this service free of charge. Products or services offered by this business are not
49 necessarily endorsed by any of these organizations. You may qualify for other veterans
50 benefits beyond the benefits for which you are receiving services here.'

51 (2) The written disclosure shall appear in at least 12 point font and shall appear in a
52 readily noticeable and identifiable place in the person's agreement with the individual
53 seeking services. The individual shall verbally acknowledge understanding of the oral
54 disclosure and shall sign the document in which the written disclosure appears, to
55 represent understanding of such provisions. The person offering services shall retain a
56 copy of the written disclosure while providing veterans benefits services for
57 compensation to the individual and for at least one year after the date on which the
58 service relationship terminates.

59 (3) No person shall advertise for compensation services in veterans benefits matters
60 without including the following disclosure:

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

69 (4) If the advertisement is printed, including, but not limited to, advertisements visible
70 to internet users, the disclosure shall appear in a readily visible location within such
71 advertisement. If the advertisement is verbal, the spoken statement of the disclosure shall
72 be clear and intelligible.

73 (d) A violation of the provisions of this Code section shall constitute a deceptive and
74 unfair act or practice in the conduct of trade or commerce under this part.

75 (e) No provision of this Code section which interferes with or contradicts any provision
76 of Title 38 of the United States Code, regarding veterans' benefits, shall be effective."

77 **SECTION 2.**

78 All laws and parts of laws in conflict with this Act are repealed.