

SENATE BILL 183

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 18 and Title 58, Chapter 3, relative to
veterans.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 58, Chapter 3, is amended by adding
the following as a new section:

(a) As used in this section:

(1) "Compensation" means any money, thing of value, or economic
benefit conferred on, or received by, a person in return for services rendered, or
to be rendered, by the person or another person;

(2) "Person" means a natural person, corporation, trust, partnership,
incorporated or unincorporated association, or any other legal entity; and

(3) "Veterans' benefits matter" means the preparation, presentation, or
prosecution of a claim affecting a person who has filed, or expressed an intent to
file, a claim for a benefit, program, service, commodity, function, status, or
entitlement for which veterans, their dependents, their survivors, or other
individuals are eligible under the laws and regulations administered by the United
States department of veterans affairs or the department of veterans services.

(b) A person shall not receive compensation for services rendered in connection
with a claim filed within the one-year presumptive period of active-duty release, unless
the veteran acknowledges by signing a waiver that the veteran is within this period and
chooses to forgo the free services available.

(c)

(1) A person seeking to receive compensation for advising, assisting, or consulting with an individual in connection with a veterans' benefits matter shall, before rendering the services, memorialize the specific terms under which the amount to be paid will be determined in a written agreement signed by both parties.

(2) The agreement under subdivision (c)(1) must specify that:

(A) Compensation is wholly contingent upon an increase in benefits awarded; and

(B) If successful in obtaining an increase in benefits, the compensation does not exceed five (5) times the amount of the monthly increase in benefits awarded based on the claim.

(3) No initial or nonrefundable fee may be charged by a person advising, assisting, or consulting an individual on a veterans' benefits matter.

(d) A person shall not guarantee, either directly or by implication, a successful outcome, 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' benefit.

(e)

(1) A person advising, assisting, or consulting on veterans' benefits matters for compensation shall provide the following disclosure prior to providing any services:

This business is not sponsored by, or affiliated with, the United States Department of Veterans Affairs or the Tennessee Department of Veterans Services, or any other federally chartered veterans' service organization. Other organizations, including, but

not limited to, the Tennessee Department of Veterans Services, a local veterans' service organization, 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 must appear in at least twelve-point font in an easily identifiable place in the person's agreement with the individual seeking services. The individual must sign the document in which the written disclosure appears to represent understanding of these provisions. The person offering services must retain a copy of the written disclosure while providing veterans' benefits services for compensation to the individual and for at least one (1) year after the date on which the service agreement terminates.

(f) A person advising, assisting, or consulting on veterans' benefits matters for compensation:

(1) Shall not utilize international call centers or data centers for processing veterans' personal information;

(2) Shall not use an individual's personal log-in, username, or password information to access that individual's medical, financial, or government benefits information;

(3) Shall ensure that any person who has access to veterans' medical, financial, or government benefits information undergoes a background check prior to having access to that information. The background check must be

conducted by a reputable source and include identity verification and a criminal records check.

(g) A person shall not receive compensation for referring an individual to another person to advise or assist the individual with a veterans' benefits matter.

(h)

(1) A violation of subsections (b)-(g) constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18, part 1.

(2) Each day a violation continues is a separate violation.

(i) This section does not apply to, limit, or expand the requirements imposed on agents, attorneys, or other representatives accredited by the United States department of veterans affairs and regulated by that agency.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.