

House Bill 108

By: Representatives Bonner of the 73rd, Clark of the 100th, Prince of the 132nd, Cannon of the 172nd, and Hitchens of the 161st

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 of 1975," so as to provide certain
3 protections for veterans and other eligible persons applying for benefits; to provide for
4 limitations; to provide for violations; to provide for a short title; to provide for definitions;
5 to provide for an effective date; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Safeguarding American Veteran
10 Empowerment Act" or "SAVE Act."

11 **SECTION 2.**

12 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
13 relating to the "Fair Business Practices Act of 1975," is amended by adding a new Code
14 section to read as follows:

"10-1-409.

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

(1) 'Compensation' means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or herself or another.

(2) 'Person' means any natural person, corporation, trust, partnership, incorporated or unincorporated association, or any other legal entity.

(3) 'Veteran' means a former member of the United States armed forces or other eligible person entitled to a benefit from the United States armed forces.

(4) 'Veterans' benefits 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, status, or entitlement for which veterans, their dependents, their survivors, or any other individual are eligible under the laws and regulations administered by the United States Department of Veterans' Affairs or the Georgia Department of Veterans Service.

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

(c) No person shall receive any compensation for any services rendered to a veteran in connection with any claim filed within the one-year presumptive period of active duty release, unless prior to the inception of the services agreement, the veteran acknowledges in writing that he or she is within such period yet chooses to decline free services available to him or her through the United States Department of Veterans' Affairs and the Georgia Department of Veterans Service.

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

contingent upon an increase in benefits awarded, and if successful, compensation shall not exceed five times the amount of the monthly increase in benefits awarded based on the claim. No initial or nonrefundable fee shall be charged by a person advising, assisting, or consulting an individual on a veterans' benefits matter.

(e) A person seeking to receive compensation for advising, assisting, or consulting with any individual regarding any veterans' benefits matter shall not utilize for a secondary medical examination of the veteran a medical professional with whom such person has an employment or business relationship.

(f) No person shall guarantee, either directly or impliedly, a successful outcome or 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.

(g) No person shall advise, assist, or consult for compensation with any veteran concerning any veterans' benefits matter without clearly providing prior to entering into a services agreement the following disclosure both orally and in writing:

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

The written disclosure shall appear in at least 12 point type in an easily identifiable place in the person's agreement with the veteran. The veteran shall verbally acknowledge understanding of the oral disclosure and 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 veteran for at least one year after the date on which the agreement entered into by the parties terminates.

(h) Persons engaging in advising, assisting, or consulting on veterans' benefits matters for a fee shall not:

(1) Utilize international call centers or data centers for processing veterans' personal information; or

(2) Request a veteran's personal login, username, or password information or use such information to access such veteran's medical, financial, or government benefits information.

(i) Persons engaging in advising, assisting, or consulting on veterans' benefits matters for a fee shall ensure that any employee of such person who has access to veterans' medical or financial information undergoes a background check prior to having access to such information. The background check shall be conducted by a reputable entity and include identity verification and a criminal records check processes.

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

(k) Each day that a violation of this Code section continues shall constitute a separate violation.

(l) Nothing in this Code section is to be construed as applying to, limiting, or expanding the requirements imposed on agents, attorneys, or other representatives accredited by the United States Department of Veterans Affairs and regulated by that agency."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

93

SECTION 4.

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