

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1169

Introduced by

Representatives J. Olson, Grindberg, Klemin, Lefor, Marschall, Pyle, M. Ruby, Schauer  
Senators Axtman, Bekkedahl, Cory, Roers

1 A BILL for an Act to create and enact a new section to chapter 37-14 of the North Dakota  
2 Century Code, relating to compensation for veterans' benefits; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 37-14 of the North Dakota Century Code is created  
5 and enacted as follows:

6 **Compensation for advising on veterans' benefits prohibited - Limitations - Penalty.**

7 1. As used in this section:

8 a. "Compensation" means payment of any money, thing of value, or financial  
9 benefit.

10 b. "Veterans' benefits matter" means the preparation, presentation, or prosecution  
11 of any claim or appeal affecting an individual who has filed or expressed an intent  
12 to file a claim for a benefit, program, service, commodity, function, status, or an  
13 entitlement which is determined under the laws and regulations administered by  
14 the United States department of veterans affairs or the United States department  
15 of defense pertaining to a veteran, a veteran's dependent or survivor, or any  
16 other individual eligible for such benefit.

17 2. A person may not:

18 a. Receive compensation for referring an individual to another person to advise or  
19 assist the individual with any veterans' benefits matter.

- 1           b. Guarantee to an individual a specific veterans' benefit, including any level,  
2           percentage, or amount of veterans' benefit, either directly or by implication.
- 3           c. Receive excessive or unreasonable fees as compensation for advising or  
4           assisting an individual with a veterans' benefits matter.
- 5           3. A person seeking to receive compensation for advising or assisting an individual with a  
6           veterans' benefits matter shall memorialize all terms regarding the individual's  
7           payment of fees for services rendered in a written agreement.
- 8           4. A person seeking to receive compensation for advising or assisting an individual with a  
9           veterans' benefits matter shall provide the following disclosure at the outset of the  
10           business relationship:
- 11                   This business is not sponsored by, or affiliated with, the United States department  
12                   of veterans' affairs or the state department of veterans' affairs, or any other  
13                   federally chartered veterans' service organization. Other organizations including  
14                   the state department of veterans' affairs, a local veterans' service organization,  
15                   and other federally chartered veterans' service organizations may be able to  
16                   provide you with this service free of charge. Products or services offered by this  
17                   business are not necessarily endorsed by any of these organizations. You may  
18                   qualify for other veterans' benefits beyond the benefits for which you are  
19                   receiving services here.
- 20           5. The written disclosure under subsection 4 must appear in at least twelve-point font in  
21           an easily identifiable location in the person's agreement with the individual seeking  
22           services. The individual shall sign the document in which the written disclosure  
23           appears to represent an understanding of these provisions. The person offering  
24           services shall retain a copy of the written disclosure while providing veterans' benefits  
25           services for compensation to the individual and for at least one year after the date on  
26           which the service relationship terminates.
- 27           6. A person seeking to receive compensation for advising or assisting a veteran in  
28           connection with an initial claim for benefits may not:
- 29           a. Receive any compensation for any services rendered in connection with any  
30           claim filed within a one-year presumptive period of active-duty release, unless the

- 1                    veteran acknowledges by signing a waiver that the veteran is within this period  
2                    and chooses to deny free services available to the veteran.
- 3                    b. Receive compensation that is not purely contingent on an increase in benefits  
4                    awarded or which exceeds five times the amount of the monthly benefits  
5                    awarded.
- 6                    c. Receive initial or nonrefundable fees.
- 7                    d. Demand, receive, or accept payment on a claim for benefits the veteran  
8                    developed and submitted on their own, without assistance.
- 9                    e. Use international call centers or data centers for processing veterans' personal  
10                   information.
- 11                   e.f. Use a veteran's personal login, username, or password information to access a  
12                   veteran's medical, financial, or government benefits information.
- 13                   f.g. Allow an individual access to a veteran's medical or financial information until the  
14                   individual successfully completes a background check. The background check  
15                   must be conducted by a reputable source and include identity verification and a  
16                   criminal records check.
- 17                   7. This section does not apply to, limit, or expand requirements imposed on an agent,  
18                   attorney, or representative accredited and regulated by the United States department  
19                   of veterans affairs.
- 20                   8. A violation of this section is an unlawful practice in violation of section 51-15-02 and  
21                   subject to a civil penalty under section 51-15-11.