

Sixty-ninth
Legislative Assembly
of North Dakota

**HOUSE BILL NO. 1169
with Senate Amendments**

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 of
11 any claim or appeal affecting an individual who has filed or expressed an intent to
12 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 other
16 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.

20 b. Guarantee to an individual a specific veterans' benefit, including any level,
21 percentage, or amount of veterans' benefit, either directly or by implication.

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

- 1 b. Receive compensation that is not purely contingent on an increase in benefits
2 awarded or which exceeds ~~the guidelines outlined in 38 CFR 14.636.~~ five
3 ~~times the amount of the monthly benefits awarded.~~
- 4 c. Receive initial or nonrefundable fees.
- 5 d. Use international call centers or data centers for processing veterans' personal
6 information.
- 7 e. Use a veteran's personal login, username, or password information to access a
8 veteran's medical, financial, or government benefits information.
- 9 f. Allow an individual access to a veteran's medical or financial information until the
10 individual successfully completes a background check. The background check
11 must be conducted by a reputable source and include identity verification and a
12 criminal records check.
- 13 7. This section may not be construed to apply to, limit, or expand the requirements
14 imposed on agents, attorneys, or the representatives accredited and regulated by the
15 United States department of veterans' affairs. ~~However, to protect Veterans, all~~
16 ~~persons shall follow the compensation guidelines set forth in 38 CFR 14.636.~~
- 17 8. A violation of this section is an unlawful practice in violation of section ~~5102~~ and
 subject to a civil penalty under section ~~5151~~.