**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA VETERANS CLAIMS PROTECTION ACT; PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS; PROVIDING DISCLOSURE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** This part shall be cited as the "Montana Veterans Claims Protection Act".

NEW SECTION. **Section 2. Definitions.** As used in this part, the following definitions apply:

(1) "Accredited representative" means an individual trained and accredited in accordance with applicable provisions of 38 CFR 14.629.

(2) "Compensation" means a payment of any moneys, a thing of value or financial benefit conferred on or received by any person in return for services rendered or to be rendered.

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

(4) "Unreasonable fee" means a fee that is charged with respect to federal veterans benefits that exceeds the amount that could be charged for those services by an attorney or claims agent accredited by the United States department of veterans affairs.

(5) "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 that veterans, their dependents, their survivors, or any other person who is eligible under the laws and regulations administered by the United State department of veterans affairs or the Montana veterans affairs division.

Commented [RP1]: (1) based on 10-2-115(3), MCA
(2), (3), (5) from KS HB 2214
(4) from CA SB 694

Commented [RP2]: https://www.ecfr.gov/current/title-38/chapter-I/part-14/subject-group-ECFRe2d861683c66a39/section-14.629

DRAFT

NEW SECTION. **Section 3. Veterans benefit matters -- restrictions -- disclosure requirements.**

(1) Only an accredited representative, as defined in [section 2], may provide support for veterans benefits matters, as defined in [section 2], in the state of Montana.

(2) No person may receive compensation for:

(a) referring any veteran or veteran's beneficiary to another person for advice or assistance in a veterans benefits matter; or

(b) any services rendered in connection with any claim filed within the one-year presumptive period of active-duty release, unless the veteran acknowledges by signing a waiver that such veteran's active-duty release is within the one-year period but is choosing to deny free services available to such veterans.

(3) (a) A person seeking to receive compensation for advising, assisting, or consulting with any veterans benefit matter shall, before rendering any services, memorialize the specifics of the agreement and the specific amount to be paid in a written agreement to be signed by both parties.

(b) Compensation may only be collected with the approval of an increase in the awarded benefits and may not be an unreasonable fee as defined in [section 2].

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

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

(5) A person, in connection with a veterans benefits matter:

(a) shall not use a veteran's personal login, username, or password information to access the veteran's medical, financial, or government benefits information; and

(b) shall ensure that any person who has access to the veteran's medical or financial information undergoes a criminal history check, conducted by a reputable source, prior to having access to that information.

(6) (a) Before advising, assisting, or consulting on veterans benefits matters for compensation, a person shall provide both a written and verbal disclosure stating, "This business is not sponsored by or affiliated with the United States department of veterans affairs or the Montana veterans affairs division, or any other

Commented [RP3]: (2), (3), (4), (5), (6) based on KS HB 2214

Commented [RP4]: Alternate approach from KS HB 2214 which states, “compensation shall be contingent upon an increase in benefits awarded and, if successful, such compensation shall not exceed five times the amount of the monthly increase in benefits awarded based on the claim”.

Commented [RP5]: Alternate approach from CA SB 694: “A person shall not, in connection with any transaction or any sale of goods or services, do any of the following:
(A) Electronically access a Common Access Card (CAC) issued to a service member, place or require the placement of such a CAC in a smart card reader, or request or require entry of the personal identification number (PIN) associated with such a CAC.
(B) Require a current or former service member to log in to or share their credentials for accessing any United States Department of Defense, United States Department of Veterans Affairs, or United States Department of Homeland Security computer system.
(C) Access a United States Department of Defense, United States Department of Veterans Affairs, or United States Department of Homeland Security computer system with another person’s credentials.”

federally chartered veterans service organization. Other organizations, including, but not limited to, the Montana veterans affairs division, a local veterans service organization, and other federally charted 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."

(b) The written disclosure must be shared and signed by both parties prior to any other agreement.

(c) The person offering services shall retain a copy of the signed, written disclosure while providing veterans benefit services for compensation and for at least one year after the date on which the service relationship terminates.

NEW SECTION. **Section 4. Codification instruction.** [Sections 1 through 3] are intended to be codified as a new part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1 through 3].

NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2027.

- END -

Commented [RP6]: Does the committee want to add a penalty of any kind? Ex from KS HB 2214: "A violation of this section constitutes an unfair, false, misleading or deceptive act or practice in the conduct of trade or commerce under K.S.A. 50-623 et seq., and amendments thereto. Civil penalties shall be in an amount ordered by the district court in an action brought by the attorney general. Each day that a violation continues is a separate violation."

Commented [RP7]: Places with other consumer protections and allows AG to enforce the provisions

Commented [RP7R2]: Per AG staff via email: "After internal review we believe it would be fine to add this to title 30."

Commented [RP8]: Is a delayed effective date needed?

DRAFT