

Senate Bill 451

By: Senators Islam Parkes of the 7th, Payne of the 54th, Anderson of the 43rd, Kirkpatrick of the 32nd, Harbison of the 15th and others

AS PASSED SENATE

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," so as to provide certain protections
3 for veterans and other eligible persons applying for benefits; to provide for limitations; to
4 provide for violations; to provide for a short title; to provide for definitions; to provide for
5 an effective date; to provide for related matters; to repeal conflicting laws; and for other
6 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 "Preserving Lawful Utilization of Services
10 for Veterans Act of 2024."

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," amended by adding a new Code section to read
14 as follows:

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"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) '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 to which is determined to pertain to veterans, their dependents, their survivors, or any other individual eligible for such benefits under the laws and regulations administered by the United States Department of Veterans Affairs or the Georgia Department of Veterans Service.

(4) '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.

(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 a one-year period following active-duty release unless the veteran specifically acknowledges in writing prior to the inception of the services agreement that such veteran is within one-year of such release.

(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' benefit 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 exam of the veteran a medical professional with whom such person has an employment or business relationship.

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

(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 Department of Veterans Service, or any other federally chartered veterans' service organization. Other organizations, including, but not limited to, the 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 font and shall appear in a readily noticeable and 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 shall retain a copy of the written disclosure while providing veterans'

68 benefits services for compensation to the veteran for at least one year after the date on which
69 the agreement entered into by the parties terminates.

70 (h) Persons engaging in the preparation of an initial claim for a fee shall neither:

71 (1) Gain direct access to any personal medical, financial, or government benefits log-in,
72 username, or password information as relative to any veteran; nor

73 (2) Utilize an international call center or data center for processing any veteran's personal
74 information.

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

77 **SECTION 3.**

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

80 **SECTION 4.**

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