

The Senate Committee on Veterans, Military, and Homeland Security offered the following substitute to HB 108:

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 additional penalties; to provide for a
5 short title; to provide for definitions; to provide for an effective date; to provide for related
6 matters; to repeal conflicting laws; and 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:

15 "10-1-409.

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

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

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

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

24 (4) 'Veterans' benefits matter' means the preparation, presentation, or prosecution of any
25 claim affecting any person who has filed or expressed an intent to file a claim for any
26 benefit, program, service, commodity, function, status, or entitlement for which veterans,
27 their dependents, their survivors, or any other individual are eligible under the laws and
28 regulations administered by the United States Department of Veterans Affairs or the
29 Georgia Department of Veterans Service.

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

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

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

42 contingent upon an increase in benefits awarded, and if successful, compensation shall not
43 exceed five times the amount of the monthly increase not to exceed \$12,500.00 in benefits
44 awarded based on the claim. No initial or nonrefundable fee shall be charged by a person
45 advising, assisting, or consulting an individual on a veterans' benefits matter.

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

50 (f) No person shall guarantee, either directly or impliedly, a successful outcome or that any
51 individual is certain to receive specific veterans' benefits or that any individual is certain
52 to receive a specific level, percentage, or amount of veterans' benefits.

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

56 'This business is not sponsored by, or affiliated with, the United States Department of
57 Veterans Affairs or the Georgia Department of Veterans Service, or any other federally
58 chartered veterans' service organization. Other organizations, including but not limited
59 to the Georgia Department of Veterans Service, a local veterans' service organization, and
60 other federally chartered veterans' service organizations may be able to provide you with
61 this service free of charge. Products or services offered by this business are not
62 necessarily endorsed by any of these organizations. You may qualify for other veterans'
63 benefits beyond the benefits for which you are receiving services here.'

64 The written disclosure shall appear in at least 14 point type in an easily identifiable place
65 in the person's agreement with the veteran. The veteran shall verbally acknowledge
66 understanding of the oral disclosure and sign the document in which the written disclosure
67 appears to represent understanding of these provisions. The person offering services must
68 retain a copy of the written disclosure while providing veterans' benefits services for

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

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

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

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

78 (i) Persons engaging in advising, assisting, or consulting on veterans' benefits matters for
79 a fee shall be accredited by the United States Department of Veterans Affairs for that
80 purpose and ensure that any employee of such person who has access to veterans' medical
81 or financial information undergoes a background check prior to having access to such
82 information. The background check shall be conducted by a reputable entity and include
83 identity verification and a criminal records check processes.

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

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

88 (l) In addition to the civil penalties described in Code Section 10-1-397, the Attorney
89 General shall, subject to notice and opportunity for hearing in accordance with Code
90 Section 10-1-398 unless the right to notice is waived by the person against whom the
91 sanction is imposed, issue an order against a person who willfully violates this Code
92 section imposing a civil penalty of no less than \$10,000.00 per violation.

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

96

SECTION 3.

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

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SECTION 4.

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