

CHAPTER 150

AN ACT concerning veterans benefits and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.56:8-228 Advising, assisting, referring veterans benefits, compensation, limitations.

1. a. (1) No person shall receive compensation for advising or assisting any individual with regard to any veterans benefits matter, except as permitted under federal law.

(2) No person shall receive compensation for referring any individual to another person to advise or assist this individual with any veterans benefits matter.

(3) A person seeking to receive compensation for advising or assisting any individual with any veterans benefits matter shall, before rendering any services, memorialize all terms regarding the individual's payment of fees for services rendered in a written agreement, signed by both parties, that adheres to all criteria specified within 38 C.F.R. s.14.636.

(4) No person shall receive any compensation for any services rendered before the date on which a notice of disagreement is filed with respect to the individual's case.

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

(6) No person shall receive excessive or unreasonable fees as compensation for advising or assisting any individual with any veterans benefits matter. The factors articulated within 38 C.F.R. s.14.636 shall govern determinations of whether a fee is excessive or unreasonable.

b. (1) No person shall advise or assist for compensation any individual concerning any veterans benefits matter without clearly providing, at the outset of the business relationship, 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 New Jersey Department of Military and Veterans Affairs, or any other federally chartered veterans service organization. Other organizations, including but not limited to the New Jersey Department of Military and Veterans Affairs, your local county veterans service agency, 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 individual seeking services. The individual shall verbally acknowledge understanding of the oral disclosure and shall 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 benefits services for compensation to the individual and for at least one year after the date on which the service relationship terminates.

(2) No person shall advertise for-compensation services in veterans benefits matters without including the following disclosure:

"This business is not sponsored by, or affiliated with, the United States Department of Veterans Affairs or the New Jersey Department of Military and Veterans Affairs, or any other federally chartered veterans service organization. Other organizations, including but not limited to the New Jersey Department of Military and Veterans Affairs, your local county veterans service agency, and other federally chartered veterans service organizations, may be able to provide you with these services 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 services that this business offers."

If the advertisement is printed, including but not limited to advertisements visible to Internet users, the disclosure shall appear in a readily visible place on the advertisement. If the advertisement is verbal, the spoken statement of the disclosure shall be clear and intelligible.

c. A violation of the provisions of this act shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.).

d. As used in this section:

"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, or status, entitlement to which is determined under the laws and regulations administered by the United States Department of Veterans Affairs or the New Jersey Department of Military and Veterans Affairs pertaining to veterans, their dependents, their survivors, and any other individual eligible for such benefits.

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

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

2. This act shall take effect immediately.

Approved August 25, 2023.