

SENATE, No. 2818

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED AUGUST 13, 2020

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Senator Brown

SYNOPSIS

Prohibits persons from receiving compensation for advising or assisting with veterans benefits.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/20/2020)

1 AN ACT concerning veterans benefits and supplementing P.L.1960,
2 c.39 (C.56:8-1 et seq.).
3

4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:
6

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

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

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

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

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

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

31 b. (1) No person shall advise or assist for compensation any
32 individual concerning any veterans benefits matter without clearly
33 providing, at the outset of the business relationship, the following
34 disclosure, both orally and in writing:

35 "This business is not sponsored by, or affiliated with, the United
36 States Department of Veterans Affairs or the New Jersey
37 Department of Military and Veterans Affairs, or any other federally
38 chartered veterans service organization. Other organizations,
39 including but not limited to the New Jersey Department of Military
40 and Veterans Affairs, your local county veterans service agency,
41 and other federally chartered veterans service organizations, may be
42 able to provide you with this service free of charge. Products or
43 services offered by this business are not necessarily endorsed by
44 any of these organizations. You may qualify for other veterans
45 benefits beyond the benefits for which you are receiving services
46 here."

47 The written disclosure shall appear in at least twelve-point font
48 and shall appear in a readily noticeable and identifiable place in the

1 person's agreement with the individual seeking services. The
2 individual shall verbally acknowledge understanding of the oral
3 disclosure and shall sign the document in which the written
4 disclosure appears, to represent understanding of these provisions.
5 The person offering services shall retain a copy of the written
6 disclosure while providing veterans benefits services for
7 compensation to the individual and for at least one year after the
8 date on which the service relationship terminates.

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

12 "This business is not sponsored by, or affiliated with, the United
13 States Department of Veterans Affairs or the New Jersey
14 Department of Military and Veterans Affairs, or any other federally
15 chartered veterans service organization. other organizations,
16 including but not limited to the New Jersey Department of Military
17 and Veterans Affairs, your local county veterans service agency,
18 and other federally chartered veterans service organizations, may be
19 able to provide you with these services free of charge. Products or
20 services offered by this business are not necessarily endorsed by
21 any of these organizations. You may qualify for other veterans
22 benefits beyond the services that this business offers."

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

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

30 d. As used in this section:

31 "Veterans benefits matter" means the preparation, presentation,
32 or prosecution of any claim affecting any person who has filed or
33 expressed an intent to file a claim for any benefit, program, service,
34 commodity, function, or status, entitlement to which is determined
35 under the laws and regulations administered by the United States
36 Department of Veterans Affairs or the New Jersey Department of
37 Military and Veterans Affairs pertaining to veterans, their
38 dependents, their survivors, and any other individual eligible for
39 such benefits.

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

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

47

48 2. This act shall take effect immediately.

STATEMENT

The bill makes it a violation of the consumer fraud act for persons to receive compensation for advising or assisting, or referring any individual to another person to advise or assist, with any veterans benefits matter, except as is permitted under federal law.

Under the bill, a "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.

Under the bill, no person may receive any fees for any services rendered before the date on which a notice of disagreement is filed with respect to the individual's case, 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, or receive excessive or unreasonable fees as compensation for advising or assisting any individual with any veterans benefits matter.

The bill also requires that 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.

Under the bill, no person may advise or assist for compensation or advertise for-compensation services to advise or assist in a veterans benefits matter without making an oral and a written disclosure.

An unlawful practice under the consumer fraud act is punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. Violations can also result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured party.