

Senate Engrossed

veterans' benefits; claims; prohibition

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1308

AN ACT

AMENDING TITLE 41, CHAPTER 3, ARTICLE 7, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-610.03; RELATING TO THE DEPARTMENT OF VETERANS'
SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 3, article 7, Arizona Revised
3 Statutes, is amended by adding section 41-610.03, to read:

4 41-610.03. Veterans' benefits; claims; prohibition;
5 exception; definitions

6 A. EXCEPT AS PROVIDED PURSUANT TO THIS SECTION, A PERSON MAY NOT
7 RECEIVE COMPENSATION FOR ANY OF THE FOLLOWING:

8 1. ADVISING, CONSULTING OR ASSISTING AN INDIVIDUAL REGARDING A
9 VETERANS' BENEFITS MATTER BEFORE THE DEPARTMENT OF VETERANS' SERVICES OR
10 THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.

11 2. REFERRING AN INDIVIDUAL TO ANOTHER PERSON TO ADVISE, CONSULT OR
12 ASSIST THE INDIVIDUAL REGARDING A VETERANS' BENEFITS MATTER.

13 B. A PERSON MAY RECEIVE COMPENSATION FOR ADVISING, CONSULTING OR
14 ASSISTING AN INDIVIDUAL REGARDING A VETERANS' BENEFITS MATTER IF, BEFORE
15 PROVIDING ANY SERVICES TO THE INDIVIDUAL, THE PERSON PREPARES A WRITTEN
16 AGREEMENT THAT IS SIGNED BY ALL THE PARTIES INVOLVED AND THAT CONTAINS THE
17 FOLLOWING:

18 1. THE TERMS OF THE AGREEMENT, INCLUDING THE PAYMENT AMOUNT FOR THE
19 SERVICES BEING PROVIDED.

20 2. THE FOLLOWING DISCLOSURE IN TWELVE-POINT FONT PLACED IN A
21 READILY NOTICEABLE AND EASILY IDENTIFIABLE PLACE IN THE WRITTEN AGREEMENT:

22 THIS BUSINESS IS NOT SPONSORED BY, ENDORSED BY OR
23 AFFILIATED WITH THE ARIZONA DEPARTMENT OF VETERANS' SERVICES
24 OR THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR ANY
25 OTHER FEDERALLY CHARTERED VETERANS' SERVICE ORGANIZATION. THE
26 ARIZONA DEPARTMENT OF VETERANS' SERVICES, THE UNITED STATES
27 DEPARTMENT OF VETERANS AFFAIRS, LOCAL VETERANS' SERVICE
28 ORGANIZATIONS OR OTHER FEDERALLY CHARTERED VETERANS' SERVICE
29 ORGANIZATIONS MAY BE ABLE TO PROVIDE YOU WITH THIS SERVICE
30 FREE OF CHARGE.

31 C. A PERSON MAY NOT CHARGE AN INITIAL FEE OR A NONREFUNDABLE FEE
32 FOR ADVISING, CONSULTING OR ASSISTING AN INDIVIDUAL REGARDING A VETERANS'
33 BENEFITS MATTER. ANY COMPENSATION RECEIVED PURSUANT TO THIS SECTION SHALL
34 BE CONTINGENT ON THE VETERAN'S BENEFITS BEING INCREASED. COMPENSATION MAY
35 NOT BE MORE THAN FIVE TIMES THE AMOUNT OF THE VETERAN'S INCREASE IN
36 BENEFITS.

37 D. A PERSON MAY NOT DO ANY OF THE FOLLOWING:

38 1. GUARANTEE, TO AN INDIVIDUAL THE PERSON IS ADVISING, CONSULTING
39 OR ASSISTING REGARDING A VETERANS' BENEFITS MATTER, THAT THE INDIVIDUAL
40 WILL RECEIVE A SPECIFIC VETERANS' BENEFIT OR A SPECIFIC LEVEL, PERCENTAGE
41 OR AMOUNT OF VETERANS' BENEFITS.

42 2. RECEIVE EXCESSIVE OR UNREASONABLE FEES AS COMPENSATION FOR
43 ADVISING, CONSULTING OR ASSISTING AN INDIVIDUAL REGARDING A VETERANS'
44 BENEFITS MATTER.

1 3. RECEIVE COMPENSATION FOR ANY SERVICES PROVIDED REGARDING A
2 VETERANS' BENEFITS MATTER THAT IS FILED WITHIN THE ONE-YEAR PRESUMPTIVE
3 PERIOD OF ACTIVE DUTY RELEASE, UNLESS THE INDIVIDUAL ACKNOWLEDGES IN
4 WRITING BEFORE ANY SERVICES ARE PROVIDED THAT THE INDIVIDUAL IS STILL
5 WITHIN THE ONE-YEAR PRESUMPTIVE PERIOD OF ACTIVE DUTY RELEASE.

6 4. ADVERTISE SERVICES REGARDING VETERANS' BENEFITS MATTERS WITHOUT
7 INCLUDING THE DISCLOSURE PRESCRIBED IN SUBSECTION B, PARAGRAPH 2 OF THIS
8 SECTION. IF THE ADVERTISEMENT IS PRINTED, THE DISCLOSURE SHALL BE PLACED
9 IN A READILY NOTICEABLE AND EASILY IDENTIFIABLE AREA ON THE ADVERTISEMENT.
10 IF THE ADVERTISEMENT IS VERBAL, THE DISCLOSURE SHALL BE STATED CLEARLY.

11 5. USE A MEDICAL PROFESSIONAL WITH WHICH THE PERSON HAS A BUSINESS
12 RELATIONSHIP TO PERFORM A MEDICAL EXAMINATION WHEN ADVISING, CONSULTING OR
13 ASSISTING AN INDIVIDUAL REGARDING A VETERANS' BENEFITS MATTER.

14 6. USE AN INTERNATIONAL CALL CENTER OR DATA CENTER FOR PROCESSING A
15 VETERAN'S PERSONAL INFORMATION.

16 7. GAIN DIRECT ACCESS TO ANY VETERAN'S PERSONAL MEDICAL, FINANCIAL
17 OR GOVERNMENT BENEFITS INFORMATION.

18 E. A VIOLATION OF THIS SECTION IS AN UNFAIR, FALSE, MISLEADING OR
19 DECEPTIVE ACT OR PRACTICE IN THE CONDUCT OF TRADE OR COMMERCE UNDER THE
20 LAWS OF THIS STATE.

21 F. FOR THE PURPOSES OF THIS SECTION:

22 1. "COMPENSATION" MEANS ANY MONEY, ITEM OF VALUE OR ECONOMIC
23 BENEFIT CONFERRED ON OR RECEIVED BY AN INDIVIDUAL IN RETURN FOR SERVICES
24 PROVIDED BY A PERSON.

25 2. "PERSON" INCLUDES ANY CORPORATION, TRUST, PARTNERSHIP,
26 INCORPORATED OR UNINCORPORATED ASSOCIATION, OR ANY OTHER LEGAL ENTITY.

27 3. "VETERANS' BENEFITS MATTER" MEANS ANY BENEFIT, PROGRAM, SERVICE,
28 COMMODITY, FUNCTION OR STATUS THE ENTITLEMENT TO WHICH IS DETERMINED BY
29 THE DEPARTMENT OF VETERANS' SERVICES OR THE UNITED STATES DEPARTMENT OF
30 VETERANS AFFAIRS PERTAINING TO VETERANS, THEIR DEPENDENTS, THEIR SURVIVORS
31 AND ANY OTHER INDIVIDUAL ELIGIBLE FOR SUCH BENEFITS.