

HOUSE BILL REPORT

HB 2390

As Reported by House Committee On:
Community Development, Housing & Tribal Affairs

Title: An act relating to preserving the integrity of veterans' benefit- related services.

Brief Description: Preserving the integrity of veterans' benefit-related services.

Sponsors: Representatives Parker, Kirby, Fagan, Ryu, Morrell, Christian, Orwall, Pollet and Muri; by request of Attorney General.

Brief History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 1/23/14, 1/28/14 [DP].

Brief Summary of Bill

- Prohibits a person from certain acts and practices related to assistance in the preparation, presentation, or prosecution of a veteran benefits claim.
- Requires advertisements for events regarding veterans' benefits to include a disclaimer.
- Makes certain prohibited acts and practices a violation of the Consumer Protection Act.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 9 members: Representatives Appleton, Chair; Sawyer, Vice Chair; Johnson, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Gregerson, Hope, Robinson, Santos and Young.

Staff: Sean Flynn (786-7124).

Background:

Veterans' Benefits.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The federal government provides military veterans with a variety of federal benefits including: disability compensation; education and training; employment services; health care; home loans; life insurance; and pensions. The federal Department of Veterans Affairs (VA) administers many of these benefit programs, and provides resources for veterans to access and obtain these benefits.

Federal law prohibits anyone from representing a veteran in preparing, presenting, or prosecuting a claim for veteran benefits, unless the person is accredited by the VA. There are three types of accreditation: accredited attorneys, accredited agents, and accredited representatives of veteran service organizations. Accreditation may not be used for marketing financial services.

No person or organization may charge a fee for assisting a veteran in preparing applications or presenting claims to the VA. Only accredited attorneys or agents may charge fees for assisting a veteran prosecuting a claim after a decision has been made on the claim. Any fee agreement must be filed with the VA.

Washington State Department of Veterans Affairs.

The State Department of Veterans Affairs (state VA) administers veterans' benefits provided by the state. Some of these benefit programs include: the veterans assistance program; veterans innovations program; the state veterans homes; homeless veterans services and transitional housing; home loans; and home ownership.

Consumer Protection Act.

The Consumer Protection Act (CPA) prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce in the state. The CPA allows a person injured by a violation of the act to bring a private cause-of-action for damages. The CPA contains specific violations that are actionable. The Attorney General (AG) may investigate and prosecute claims under the CPA on behalf of the state or individuals in the state.

Summary of Bill:

A person may not engage in certain practices related to a veterans' benefit matter that involve the preparation, presentation, or prosecution of a benefits claim administered by the VA or the state VA. The specific acts and practices prohibited include:

- receiving compensation for advising or assisting another person with a veterans' benefit matter, except as permitted by federal law;
- using financial or personal information gathered to prepare documents in a veterans' benefit matter for purposes of trade or commerce;
- receiving compensation for referring a person to an accredited representative; or
- representing that the receipt of a certain level of veterans' benefits are guaranteed.

Public officers, employees, and volunteers are not subject to these prohibitions.

It is unlawful to promote an event, presentation, seminar, workshop or other public gathering regarding veterans' benefits or entitlements without disclosing the following:

This event is not sponsored by, or affiliated with, the United States Department of Veterans Affairs, the Washington State Department of Veterans Affairs, or any other congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States or any of their auxiliaries. Products or services that may be discussed at this event are not necessarily endorsed by those organizations. You may qualify for benefits other than or in addition to the benefits discussed at this event.

The disclosure must be disseminated at the beginning of any event regarding veterans' benefits and it must be published in the same type size as the word "veteran" used in any advertising materials. The disclosure does not apply if the promoter of the event has written permission from the VA, state VA, or congressionally chartered or recognized organization of discharged military members to use their name for the event.

The violations covered in the bill constitute a violation of the CPA.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Elderly veterans and their spouses are victims of financial services scams by persons who are falsely representing veterans' agencies. Persons posing as veterans' advocates may lead veterans into making certain veteran claims without disclosing the consequences that may result in losing medical benefits or retirement money. Federal law prohibits charging for veteran benefits services. People are still able to offer help for free. The predatory practice affects the class of veterans most in need of benefits and services. Veterans are led to believe that an advocate is helping to process a claim, which is not necessarily the case, so they are left waiting long periods without support.

(Opposed) None.

Persons Testifying: Travis Alley, Office of the Attorney General; and Alfie Alvarado, Department of Veterans Affairs.

Persons Signed In To Testify But Not Testifying: None.