

SB 6208 - H COMM AMD

By Committee on Community Development, Housing & Tribal Affairs

ADOPTED 03/05/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 NEW SECTION. **Sec. 1.** The legislature finds and declares that the
4 practice of persons using the allure of untapped benefits from the
5 United States department of veterans affairs to market products and
6 services substantially affects the public interest. This practice may
7 impact the ability of veterans or their surviving spouses to
8 appropriately plan their finances or care. The legislature further
9 finds that the lack of regulation of persons who provide advice related
10 to veterans' benefits is inadequate to address unfair and deceptive
11 practices that exist in the marketplace and has contributed to the
12 unauthorized practice of law and the use and marketing of financial
13 planning options that are potentially detrimental to the veteran, their
14 spouse, and family. It is the intent of the legislature, through this
15 chapter, to restrict how individuals receive compensation and
16 remuneration for providing assistance with veterans' benefit-related
17 services and to encourage certain disclosures from individuals offering
18 veterans' benefit-related services.

19 NEW SECTION. **Sec. 2.** The definitions in this section apply
20 throughout this chapter unless the context clearly requires otherwise.

21 (1) "Compensation" means money, property, or anything else of
22 value, which includes, but is not limited to, exclusive arrangements or
23 agreements for the provision of services or the purchase of products.

24 (2) "Person" includes, where applicable, natural persons,
25 corporations, trusts, unincorporated associations, and partnerships.

26 (3) "Trade or commerce" includes the marketing or sale of assets,
27 goods, or services, or any commerce directly or indirectly affecting
28 the people of the state of Washington.

1 (4) "Veterans' benefit matter" means any preparation, presentation,
2 or prosecution of a claim affecting a person who has filed or has
3 expressed an intention to file an application for determination of
4 payment, service, commodity, function, or status, entitlement to which
5 is determined under laws administered by the United States department
6 of veterans affairs or the Washington state department of veterans
7 affairs pertaining to veterans, dependents, and survivors.

8 NEW SECTION. **Sec. 3.** A person may not engage in the following
9 acts or practices:

10 (1) Receiving compensation for advising or assisting another person
11 with a veterans' benefit matter, except as permitted under Title 38 of
12 the United States Code;

13 (2) Using financial or other personal information gathered in order
14 to prepare documents for, or otherwise represent the interests of,
15 another in a veterans' benefit matter for purposes of trade or
16 commerce;

17 (3) Receiving compensation for referring another person to a person
18 accredited by the United States department of veterans affairs;

19 (4) Representing, either directly or by implication, either orally
20 or in writing, that the receipt of a certain level of veterans'
21 benefits is guaranteed.

22 NEW SECTION. **Sec. 4.** (1) It is unlawful for any person to
23 advertise or promote any event, presentation, seminar, workshop, or
24 other public gathering regarding veterans' benefits or entitlements
25 that does not include the following disclosure: "This event is not
26 sponsored by, or affiliated with, the United States Department of
27 Veterans Affairs, the Washington State Department of Veterans Affairs,
28 or any other congressionally chartered or recognized organization of
29 honorably discharged members of the Armed Forces of the United States
30 or any of their auxiliaries. Products or services that may be
31 discussed at this event are not necessarily endorsed by those
32 organizations. You may qualify for benefits other than or in addition
33 to the benefits discussed at this event."

34 (2) The disclosure required by subsection (1) of this section must
35 be in the same type size and font as the term "veteran" or any

1 variation of that term as used in the event advertisement or
2 promotional materials.

3 (3) The disclosure required by subsection (1) of this section must
4 be disseminated, both orally and in writing, at the beginning of any
5 event, presentation, seminar, workshop, or other public gathering
6 regarding veterans' benefits or entitlements.

7 (4) The disclosure required by subsection (1) of this section does
8 not apply where the United States department of veterans affairs, the
9 Washington state department of veterans affairs, or any other
10 congressionally chartered or recognized organization of honorably
11 discharged members of the armed forces of the United States or any of
12 their auxiliaries have granted written permission to the advertiser or
13 promoter for the use of its name, symbol, or insignia to advertise or
14 promote such events, presentations, seminars, workshops, or other
15 public gatherings. The disclosure required by subsection (1) of this
16 section also does not apply where the event, presentation, seminar,
17 workshop, or gathering is part of an accredited continuing legal
18 education course.

19 NEW SECTION. **Sec. 5.** Nothing in this chapter applies to officers,
20 employees, or volunteers of the state, of any county, city, or other
21 political subdivision, or of a federal agency of the United States, who
22 are acting in their official capacity.

23 NEW SECTION. **Sec. 6.** The legislature finds that the practices
24 covered by this chapter are matters vitally affecting the public
25 interest for the purpose of applying the consumer protection act,
26 chapter 19.86 RCW. A violation of this chapter is not reasonable in
27 relation to the development and preservation of business and is an
28 unfair or deceptive act in trade or commerce and an unfair method of
29 competition for purposes of applying the consumer protection act,
30 chapter 19.86 RCW.

31 NEW SECTION. **Sec. 7.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 8.** This chapter may be known and cited as the
2 "pension poacher prevention act."

3 NEW SECTION. **Sec. 9.** Sections 1 through 6 and 8 of this act
4 constitute a new chapter in Title 19 RCW."

5 Correct the title.

EFFECT: (1) Clarifies that the federal and state veterans affairs
departments and veterans organizations may grant permission for use of
their respective names by promoters for more than one veteran benefits
event at a time; and (2) exempts continuing legal education courses
from the disclaimer requirements.

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