

1 **Veteran Protections Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Verona Mauga**

Senate Sponsor: Jerry W. Stevenson

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses protections for veterans.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ provides that the Division of Consumer Protection is responsible for enforcing civil  
9 penalties for individuals who unlawfully provide veterans with assistance in obtaining

10 VA benefits;

11 ▶ clarifies what conduct is not permitted when providing veterans with assistance in  
12 obtaining VA benefits; and

13 ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **13-11-4**, as last amended by Laws of Utah 2024, Chapters 102, 186

21 **71A-4-101**, as renumbered and amended by Laws of Utah 2023, Chapter 44

22 **71A-4-102**, as renumbered and amended by Laws of Utah 2023, Chapter 44

23 **71A-4-103**, as renumbered and amended by Laws of Utah 2023, Chapter 44

24 **71A-4-104**, as renumbered and amended by Laws of Utah 2023, Chapter 44

25 **71A-4-105**, as renumbered and amended by Laws of Utah 2023, Chapter 44

27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **13-11-4** is amended to read:

29 **13-11-4 . Deceptive act or practice by supplier.**

30 (1) A deceptive act or practice by a supplier in connection with a consumer transaction

- 31 violates this chapter whether it occurs before, during, or after the transaction.
- 32 (2) Without limiting the scope of Subsection (1), a supplier commits a deceptive act or  
33 practice if the supplier knowingly or intentionally:
- 34 (a) indicates that the subject of a consumer transaction has sponsorship, approval,  
35 performance characteristics, accessories, uses, or benefits, if it has not;
- 36 (b) indicates that the subject of a consumer transaction is of a particular standard,  
37 quality, grade, style, or model, if it is not;
- 38 (c) indicates that the subject of a consumer transaction is new, or unused, if it is not, or  
39 has been used to an extent that is materially different from the fact;
- 40 (d) indicates that the subject of a consumer transaction is available to the consumer for a  
41 reason that does not exist, including any of the following reasons falsely used in an  
42 advertisement:
- 43 (i) "going out of business";  
44 (ii) "bankruptcy sale";  
45 (iii) "lost our lease";  
46 (iv) "building coming down";  
47 (v) "forced out of business";  
48 (vi) "final days";  
49 (vii) "liquidation sale";  
50 (viii) "fire sale";  
51 (ix) "quitting business"; or  
52 (x) an expression similar to any of the expressions in Subsections (2)(d)(i) through  
53 (ix);
- 54 (e) indicates that the subject of a consumer transaction has been supplied in accordance  
55 with a previous representation, if it has not;
- 56 (f) indicates that the subject of a consumer transaction will be supplied in greater  
57 quantity than the supplier intends;
- 58 (g) indicates that replacement or repair is needed, if it is not;
- 59 (h) indicates that a specific price advantage exists, if it does not;
- 60 (i) indicates that the supplier has a sponsorship, approval, license, certification, or  
61 affiliation the supplier does not have;
- 62 (j)(i) indicates that a consumer transaction involves or does not involve a warranty, a  
63 disclaimer of warranties, particular warranty terms, or other rights, remedies, or  
64 obligations, if the representation is false; or

- 65 (ii) fails to honor a warranty or a particular warranty term;
- 66 (k) indicates that the consumer will receive a rebate, discount, or other benefit as an  
67 inducement for entering into a consumer transaction in return for giving the supplier  
68 the names of prospective consumers or otherwise helping the supplier to enter into  
69 other consumer transactions, if receipt of the benefit is contingent on an event  
70 occurring after the consumer enters into the transaction;
- 71 (l) after receipt of payment for goods or services, fails to ship the goods or furnish the  
72 services within the time advertised or otherwise represented or, if no specific time is  
73 advertised or represented, fails to ship the goods or furnish the services within 30  
74 days, unless within the applicable time period the supplier provides the buyer with  
75 the option to:
- 76 (i) cancel the sales agreement and receive a refund of all previous payments to the  
77 supplier if the refund is mailed or delivered to the buyer within 10 business days  
78 after the day on which the seller receives written notification from the buyer of the  
79 buyer's intent to cancel the sales agreement and receive the refund; or
- 80 (ii) extend the shipping date to a specific date proposed by the supplier;
- 81 (m) except as provided in Subsection (3)(b), fails to furnish a notice meeting the  
82 requirements of Subsection (3)(a) of the purchaser's right to cancel a direct  
83 solicitation sale within three business days of the time of purchase if:
- 84 (i) the sale is made other than at the supplier's established place of business pursuant  
85 to the supplier's personal contact, whether through mail, electronic mail, facsimile  
86 transmission, telephone, or any other form of direct solicitation; and
- 87 (ii) the sale price exceeds \$25;
- 88 (n) promotes, offers, or grants participation in a pyramid scheme as defined under Title  
89 76, Chapter 6a, Pyramid Scheme Act;
- 90 (o) in connection with a charitable solicitation:
- 91 (i) falsely indicates that:
- 92 (A) the supplier is affiliated with a charitable organization;
- 93 (B) the supplier is an employee, officer, or representative of a public safety  
94 agency;
- 95 (C) the supplier has sponsorship or approval of a given charitable organization;
- 96 (D) a charitable contribution will be provided to a given charitable organization;
- 97 (E) providing a charitable contribution has an additional benefit, including a tax  
98 benefit; or

- 99 (F) the recipient of the solicitation has previously contributed to a given charitable  
100 organization;
- 101 (ii) uses a fictitious name or a name the supplier is not authorized to use; or  
102 (iii) with intent to deceive:
- 103 (A) uses a name that is substantially similar to that of another charitable  
104 organization; or  
105 (B) falsely indicates that a charitable contribution will be used for a particular  
106 purpose;
- 107 (p) if a consumer indicates the consumer's intention of making a claim for a motor  
108 vehicle repair against the consumer's motor vehicle insurance policy:
- 109 (i) commences the repair without first giving the consumer oral and written notice of:  
110 (A) the total estimated cost of the repair; and  
111 (B) the total dollar amount the consumer is responsible to pay for the repair,  
112 which dollar amount may not exceed the applicable deductible or other copay  
113 arrangement in the consumer's insurance policy; or  
114 (ii) requests or collects from a consumer an amount that exceeds the dollar amount a  
115 consumer was initially told the consumer was responsible to pay as an insurance  
116 deductible or other copay arrangement for a motor vehicle repair under Subsection  
117 (2)(p)(i), even if that amount is less than the full amount the motor vehicle  
118 insurance policy requires the insured to pay as a deductible or other copay  
119 arrangement, unless:
- 120 (A) the consumer's insurance company denies that coverage exists for the repair,  
121 in which case, the full amount of the repair may be charged and collected from  
122 the consumer; or  
123 (B) the consumer misstates, before the repair is commenced, the amount of money  
124 the insurance policy requires the consumer to pay as a deductible or other  
125 copay arrangement, in which case, the supplier may charge and collect from  
126 the consumer an amount that does not exceed the amount the insurance policy  
127 requires the consumer to pay as a deductible or other copay arrangement;
- 128 (q) includes in any contract, receipt, or other written documentation of a consumer  
129 transaction, or any addendum to any contract, receipt, or other written documentation  
130 of a consumer transaction, any confession of judgment or any waiver of any of the  
131 rights to which a consumer is entitled under this chapter;
- 132 (r) charges a consumer for a consumer transaction or a portion of a consumer transaction

- 133 that has not previously been agreed to by the consumer;
- 134 (s) solicits or enters into a consumer transaction with a person who lacks the mental  
135 ability to comprehend the nature and consequences of:
- 136 (i) the consumer transaction; or
- 137 (ii) the person's ability to benefit from the consumer transaction;
- 138 (t) solicits for the sale of a product or service by providing a consumer with an  
139 unsolicited check or negotiable instrument the presentment or negotiation of which  
140 obligates the consumer to purchase a product or service, unless the supplier is:
- 141 (i) a depository institution under Section 7-1-103;
- 142 (ii) an affiliate of a depository institution; or
- 143 (iii) an entity regulated under Title 7, Financial Institutions Act;
- 144 (u) sends an unsolicited mailing to a person that appears to be a billing, statement, or  
145 request for payment for a product or service the person has not ordered or used, or  
146 that implies that the mailing requests payment for an ongoing product or service the  
147 person has not received or requested;
- 148 (v) issues a gift certificate, instrument, or other record in exchange for payment to  
149 provide the bearer, upon presentation, goods or services in a specified amount  
150 without printing in a readable manner on the gift certificate, instrument, packaging,  
151 or record any expiration date or information concerning a fee to be charged and  
152 deducted from the balance of the gift certificate, instrument, or other record;
- 153 (w) misrepresents the geographical origin or location of the supplier's business;
- 154 (x) fails to comply with the restrictions of Section 15-10-201 on automatic renewal  
155 provisions;
- 156 (y) violates Section 13-59-201;
- 157 (z) fails to comply with the restrictions of Subsection 13-54-202(2);~~[-or]~~
- 158 (aa) states or implies that a registration or application administered or enforced by the  
159 division is an endorsement, sanction, or approval by the division or a governmental  
160 agency or office[-] ; or
- 161 (bb) fails to comply with the requirements of Section 71A-4-102 regarding assistance to  
162 veterans for benefits.
- 163 (3)(a) The notice required by Subsection (2)(m) shall:
- 164 (i) be a conspicuous statement written in dark bold with at least 12-point type on the  
165 first page of the purchase documentation; and
- 166 (ii) read as follows: "YOU, THE BUYER, MAY CANCEL THIS CONTRACT AT

167 ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY (or time  
 168 period reflecting the supplier's cancellation policy but not less than three business  
 169 days) AFTER THE DATE OF THE TRANSACTION OR RECEIPT OF THE  
 170 PRODUCT, WHICHEVER IS LATER."

171 (b) A supplier is exempt from the requirements of Subsection (2)(m) if the supplier's  
 172 cancellation policy:

173 (i) is communicated to the buyer; and

174 (ii) offers greater rights to the buyer than Subsection (2)(m).

175 (4)(a) A gift certificate, instrument, or other record that does not print an expiration date  
 176 in accordance with Subsection (2)(v) does not expire.

177 (b) A gift certificate, instrument, or other record that does not include printed  
 178 information concerning a fee to be charged and deducted from the balance of the gift  
 179 certificate, instrument, or other record is not subject to the charging and deduction of  
 180 the fee.

181 (c) Subsections (2)(v) and (4)(b) do not apply to a gift certificate, instrument, or other  
 182 record useable at multiple, unaffiliated sellers of goods or services if an expiration  
 183 date is printed on the gift certificate, instrument, or other record.

184 Section 2. Section **71A-4-101** is amended to read:

185 **CHAPTER 4. VETERANS BENEFITS APPLICATION ASSISTANCE**

186

**REQUIREMENTS AND PROHIBITIONS**

187 **71A-4-101 . Definitions.**

188 (1) As used in this chapter:

189 (a) "Accredited" means a veterans service organization, representative, agent, or attorney  
 190 to whom authority has been granted by the VA to provide assistance to claimants in  
 191 the preparation, presentation, and prosecution of claims for VA benefits.

192 ~~[(b) "Assistance" means an accredited individual providing claimant-specific  
 193 recommendations or preparing or submitting an application for VA benefits on behalf  
 194 of a claimant.]~~

195 (b) "Assistance" means an act performed by a person on behalf of a claimant to:

196 (i) provide claimant-specific recommendations for VA benefits; or

197 (ii) prepare or submit an application for VA benefits on behalf of a claimant.

198 (c) "Certify" means to submit in writing to a veteran or the veteran's dependents certain

- 199 disclosure forms provided by the department.
- 200 (d) "Claimant" means ~~[a person]~~ an individual who has filed or has expressed to [a
- 201 ~~service organization representative, agent, or attorney]~~ an accredited person an
- 202 intention to file a written application for determination of entitlement to benefits
- 203 provided under United States Code, Title 38, and implementing directives.
- 204 (e) "Compensation" means payment of money, a thing of financial value, or a financial
- 205 benefit.
- 206 (f) "Division" means the Division of Consumer Protection created within the
- 207 Department of Commerce in Section 13-2-1.
- 208 ~~[(e)]~~ (g) "Non-compliant referral" means referring a veteran's or a veteran's dependent's
- 209 original claim for veteran benefits for assistance to ~~[an individual]~~ a person who is in
- 210 violation of the provisions of this chapter.
- 211 ~~[(f)]~~ "Referring entity" means ~~an individual, business, or organization licensed in this~~
- 212 ~~state who refers or assists a veteran or a veteran's dependents for assistance with an~~
- 213 ~~original claim for veteran benefits.]~~
- 214 ~~[(g)]~~ (h) "VA benefits" means any payment, service, commodity, function, or status
- 215 entitlement ~~[which]~~ that is determined under laws administered by the VA pertaining
- 216 to veterans, dependents, and survivors, as well as other potential beneficiaries under
- 217 United States Code[, ] Title 38.
- 218 ~~[(h)]~~ (i) "Veteran" includes all eligible dependents.
- 219 (2) Terms defined in Section 71A-1-101 apply to this chapter.
- 220 Section 3. Section **71A-4-102** is amended to read:
- 221 **71A-4-102 . Requirements and prohibitions regarding assisting a claimant.**
- 222 (1) Each ~~[individual]~~ person offering to assist veterans in applying for VA benefits shall:
- 223 (a) be accredited, in compliance with the provisions of C.F.R., Title 38, Pensions,
- 224 Bonuses, and Veterans' Relief, or, if under the supervision of an accredited attorney,
- 225 meet the provisions of C.F.R., Title 38, pertaining to authorized claim representation
- 226 under an attorney; and
- 227 (b) disclose in writing, in a format approved by the department that the claimant can
- 228 retain, the federal laws, regulations, and rules governing assistance for VA benefits.
- 229 (2) The disclosure required by Subsection (1)(b) shall specifically include:
- 230 (a) the ~~[individual's]~~ person's:
- 231 (i) name;
- 232 (ii) business address;

- 233 (iii) business phone number; and
- 234 (iv) the registration number from the VA;
- 235 (b) a statement of the claimant's rights regarding the assistance for VA benefits,
- 236 including that there is no charge to the claimant or a member of the claimant's family
- 237 for assistance with the initial benefits application; and
- 238 (c) a statement that if, as a result of the [individual] person providing assistance for a
- 239 claim, income is accrued to the assisting [individual] person from the sale of a product
- 240 or other services to the claimant, the income is both justified and reasonable as
- 241 compared with income from similar products and services available in the state.
- 242 (3) No provisions of the form may be struck out or designated as nonapplicable.
- 243 (4) Disclosure forms, when completed, shall be:
- 244 (a) signed by both the [individual] person providing assistance and the claimant; and
- 245 (b) retained for three years by the assisting [individual] person.
- 246 (5) Copies of the disclosure form shall be provided to:
- 247 (a) the veteran on the day the form is completed and signed; and
- 248 (b) the department within five working days.
- 249 (6) A person seeking to receive compensation for preparation, presentation or prosecution
- 250 of, or advising, consulting or assisting an individual with a VA benefits matter that is
- 251 allowed by federal law, regulation, and rule governing the assistance for VA benefits
- 252 shall, before rendering any services, document in a written agreement the terms of the
- 253 compensation signed by both parties that complies with 38 C.F.R. 14.636.
- 254 (7) A person may not:
- 255 (a) receive compensation for preparation, presentation, or prosecution of, or advising,
- 256 consulting or assisting an individual with, a VA benefits matter, except as permitted
- 257 under federal law or regulation governing the assistance for VA benefits;
- 258 (b) receive compensation for referring an individual to another person to prepare, present
- 259 or prosecute, or advise, consult or assist the individual with, a VA benefits matter;
- 260 (c) receive, with respect to an individual's VA benefits matter, compensation for services
- 261 rendered before the date on which a notice of disagreement, decision review, or
- 262 appeal is filed, whichever comes first;
- 263 (d) guarantee, either directly or by implication, that any individual will receive specific
- 264 VA benefits or that any individual will receive a specific level, percentage, or amount
- 265 of VA benefits; or
- 266 (e) receive excessive or unreasonable fees as compensation for preparation, presentation



267 or prosecution of, or advising, consulting or assisting an individual with, a VA  
 268 benefits matter as described in 38 C.F.R. 14.636.

269 (8) The division may:

270 (a) accept complaints alleging violations of this section; and

271 (b) bring an enforcement action under Title 13, Chapter 11, Utah Consumer Sales  
 272 Practices Act, against a person who violates this section.

273 Section 4. Section **71A-4-103** is amended to read:

274 **71A-4-103 . Education requirements.**

275 (1) [~~All individuals and attorneys~~] Every person providing assistance to a veteran shall  
 276 complete three hours of qualifying education as specified in 38 C.F.R. 14.629(b) during  
 277 the first 12 month period following the date of the person's initial accreditation.

278 (2) An additional three hours of qualifying continuing education shall be completed by the  
 279 person described in Subsection (1) every two years following the initial 12-month period.

280 Section 5. Section **71A-4-104** is amended to read:

281 **71A-4-104 . Department responsibilities -- Notification -- Assistance --**  
 282 **Complaints -- Claimant responsibilities.**

283 (1) The department shall notify in writing each veteran for whom the department has  
 284 contact information that any [~~individual or business~~] person offering to assist veterans in  
 285 applying for benefits shall disclose in writing to the veteran the following:

286 (a) 38 C.F.R. 14.629 and 38 C.F.R. 14.630 require that any [~~individual~~] person providing  
 287 assistance be accredited by the VA;

288 (b) federal law restricts charging a veteran a fee for assisting in the initial application for  
 289 VA benefits; and

290 (c) the department's website has a list with contact information of VA accredited claim  
 291 representatives.

292 (2) Beginning July 1, 2015, and every three years after the department shall:

293 (a) notify the Insurance Department regarding the federal law governing assistance for  
 294 VA benefits, and the Insurance Department shall notify all individual producers and  
 295 consultants licensed by the Insurance Department at the time of initial licensing and  
 296 upon license renewal of those same federal laws governing assistance for VA  
 297 benefits;

298 (b) contact the Utah State Bar regarding federal law governing legal assistance for  
 299 claimants applying for benefits and request that the association provide continuing  
 300 legal education on federal laws governing assistance; and

301 (c) notify the Department of Health and Human Services regarding federal law  
302 governing the assistance for claimants applying for benefits, and require the  
303 Department of Health and Human Services to notify all assisted living and nursing  
304 care facilities of those federal laws.

305 (3) The executive director may establish procedures for processing complaints related to  
306 assistance regarding a claim for VA benefits.

307 (4) For violations by accredited or non-accredited [~~individuals~~] persons who offer assistance  
308 with VA benefits, the executive director may [~~audit~~] evaluate selected assisting [~~individuals and referring entities~~] persons for compliance with this chapter and federal  
309 laws which govern the provision of assistance to claimants.  
310

311 Section 6. Section **71A-4-105** is amended to read:

312 **71A-4-105 . Veterans Benefits Application Assistance Act -- Exempt**  
313 **organizations.**

314 Accredited representatives of the following organizations are exempt from the  
315 provisions of this chapter:

316 (1) the department;

317 [~~(1)~~] (2) American Legion;

318 [~~(2)~~] (3) Veterans of Foreign Wars;

319 [~~(3)~~] (4) Disabled American Veterans;

320 [~~(4)~~] (5) Vietnam Veterans of America;

321 [~~(5)~~] (6) American Veterans (AMVET);

322 [~~(6)~~] (7) Military Order of the Purple Heart; and

323 [~~(7)~~] (8) other VA recognized service organizations or individuals as determined by the  
324 executive director.

325 Section 7. **Effective Date.**

326 This bill takes effect on May 7, 2025.