

VETERAN BENEFIT ASSISTANCE DISCLOSURE

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim M. Cosgrove

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill provides for disclosure of federal laws governing assistance to veterans when they are applying for benefits, a notification requirement for those providers of assistance, and a list of accredited providers by the department.

Highlighted Provisions:

This bill:

- ▶ requires that anyone assisting a veteran applying for veterans benefits disclose the federal law governing that assistance;
- ▶ specifies that the disclosure shall include the federal prohibition for charging a fee to assist a veteran in applying for benefits and that anyone providing assistance must be federally accredited;
- ▶ creates a notification requirement about the federal law to certain providers of assistance to veterans; and
- ▶ requires the Department of Veterans' and Military Affairs to provide a list of federally accredited advisors on the department's website.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 ENACTS:

29 71-8-9, Utah Code Annotated 1953

30

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

32 Section 1. Section **71-8-9** is enacted to read:

33 **71-8-9. Veterans benefit assistance -- Notification -- Disclosure -- Accreditation.**

34 (1) The Utah Department of Veterans' and Military Affairs shall notify, in writing, each
35 veteran for whom the department has contact information, that any individual or business
36 offering to assist veterans in applying for benefits shall disclose in writing to the veteran the
37 following:

38 (a) that Title 38, C.F.R. 14.629 and Title 38, C.F.R. 14.630 requires that anyone
39 assisting a veteran to apply for benefits shall be federally accredited;

40 (b) that federal law prohibits charging a veteran a fee for assisting in the application for
41 benefits; and

42 (c) that the department's website has a list with contact information of federally
43 accredited advisors.

44 (2) Beginning July 1, 2014, every three years the department shall:

45 (a) notify the Department of Insurance regarding the federal law governing assistance
46 for veterans applying for benefits, and the Department of Insurance shall notify all licensed
47 insurance brokers, agents, or businesses of those same federal laws governing assistance for
48 veterans applying for benefits;

49 (b) contact the Utah Bar Association regarding federal law governing legal assistance
50 for veterans applying for benefits and request that the association provide continuing legal
51 education on federal laws governing assistance; and

52 (c) notify the Utah Department of Health regarding federal law governing the
53 assistance for veterans applying for benefits, and the Department of Health shall notify all
54 assisted living and nursing care facilities of those federal laws.

55 (3) Each person offering to assist veterans in applying for benefits shall:

56 (a) be federally accredited, or employed and directly supervised by a federally
57 accredited person; and

58 (b) disclose in writing, in a format the veteran can retain, the federal law governing the

59 assistance to veterans for obtaining benefits.

60 (4) The disclosure required by Subsection (3)(b) shall specifically include:

61 (a) the person's name;

62 (b) the person's business address;

63 (c) the person's business phone number;

64 (d) the person's registration number from the United States Department of Veterans

65 Affairs; and

66 (e) a statement of the veteran's rights regarding the person's assistance, including that
67 there is no charge for assistance with the initial benefits application, and any charges that might
68 apply for subsequent assistance.

69 (5) The department shall provide a list of federally accredited advisors and contact
70 information on the department's website.

Legislative Review Note

as of 2-26-14 9:54 AM

Office of Legislative Research and General Counsel