

TRADE PRACTICES & DISCLOSURE REQUIREMENT FOR VET BENEFIT SERVICES

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<http://www.house.mi.gov/hfa>

House Bill 5015 as introduced
Sponsor: Rep. Jason Wentworth
Committee: Financial Services
Complete to 10-17-17

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5015 would amend the Consumer Protection Act by adding Section 3I to specify that an individual engaged in trade or commerce, in connection with providing a veterans benefit service to a veteran would be required to provide written notice to the veteran or family member of the following:

- The individual is not affiliated with a veterans' agency or organization.
- The veterans' benefit service is available free of charge from a veterans' agency or organization, if applicable.
- The veteran may qualify for benefits other than or in addition to the benefits he, she or a family member may obtain if is engaged to provide it.
- Receipt of a certain level of veterans; benefits is not guaranteed if he or she is engaged to provide it.
- Verbally review the written notice when meeting with the veteran or family member.

The bill would require that the Written notice be in the same type, size and font as the term "veteran" used in any advertisement or promotional materials published in the business.

In addition, it would require that the individual provide the written and verbal notice at the beginning of the meeting with the veteran or family member and could request his or her signature on a form acknowledging the notice was received and understood.

Exclusions

The bill would not apply to an officer, employee, or volunteer of any county, city, or other political subdivision, or of a federal agency of the United States and acting in an official capacity.

It would also exempt an individual who has written permission from a veterans' agency or organization to provide benefit service on its behalf and presents that written permission to the veteran when he or she meets to discuss service.

The bill would define "Veterans' Agency or Organization" to mean the United States Department of Veterans Affairs, the department of military and veterans affairs, the Michigan veterans affairs agency, or any other congressionally chartered or recognized

organization of honorably discharged members of the Armed Forces of the United States or auxiliary of that organization,.

The term "Veterans' Benefit Service" would be defined to mean either of the following:

- The preparation, presentation, or prosecution of a claim affecting an individual who has filed or has expressed an intention to file an application for veteran, dependent, or survivor compensation or other benefits under laws administered by the United States Department of Veterans Affairs or the Department of Military and Veterans Affairs pertaining to veterans, dependents, and survivors.
- Advice or representation concerning the preparation, presentation, or prosecution of a claim.

MCL 445.903 and proposed 445.903/

FISCAL IMPACT:

The bill would have no fiscal impact on the Michigan Veterans Affairs Agency, congressionally chartered veterans service organizations, or local units of government.

There would be no direct or significant fiscal impact to the Office of the Attorney General associated with being permitted to promulgate rules pertaining to the bills' requirements.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.