

House Bill 1323

By: Representatives Scott of the 76th, Bonner of the 73rd, Davis of the 87th, Gladney of the 130th, Tarvin of the 2nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia
2 Annotated, relating to the "Fair Business Practices Act," so as to provide certain protections
3 for veterans and other eligible persons applying for military benefits; to provide for
4 limitations; to provide for violations; to provide for definitions; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
9 relating to the "Fair Business Practices Act," is amended by adding a new Code section to
10 read as follows:

11 "10-1-409.

12 (a) As used in this Code section, the term:

13 (1) 'Compensation' means payment of any money, thing of value, or financial benefit.

14 (2) 'Person' means an individual, corporation, business trust, estate, trust, partnership,
15 limited liability company, association, joint venture, public corporation, government or

16 governmental subdivision, agency, or instrumentality, or any other legal or commercial
17 entity.

18 (3) 'Veterans benefits matter' means the preparation, presentation, or prosecution of any
19 claim affecting any person who has filed or expressed an intent to file a claim for any
20 benefit, program, service, commodity, function, status, or other entitlement determined
21 under the laws and regulations administered by the United States Department of Veterans
22 Affairs or the Department of Veterans Service as pertaining to veterans, their dependents,
23 their survivors, and any other individual eligible for such benefits.

24 (b)(1) No person shall receive compensation for advising or assisting any individual with
25 regard to any veterans benefits matter except as provided in this Code section.

26 (2) No person shall receive compensation for referring any individual to another person
27 to advise or assist such individual with any veterans benefits matter.

28 (3) A person seeking to receive compensation for advising or assisting any individual
29 with any veterans benefits matter shall, before rendering any services, memorialize all
30 terms regarding the individual's payment of fees for services rendered in a written
31 agreement, which shall be signed by both parties.

32 (4) No person shall guarantee, either directly or by implication, that any individual is
33 certain to receive specific veterans benefits or that any individual is certain to receive a
34 specific level, percentage, or amount of veterans benefits.

35 (c)(1) No person shall advise or assist for compensation any individual concerning any
36 veterans benefits matter without clearly providing, at the outset of the business
37 relationship, the following disclosure, both orally and in writing:

38 'This business is not sponsored by, or affiliated with, the United States Department of
39 Veterans Affairs or any other federally chartered veterans service organization or the
40 Department of Veterans Service. The Department of Veterans Service and other
41 organizations, including, but not limited to, your local county veterans service agency,
42 and other federally chartered veterans service organizations, may be able to provide you

43 with this service free of charge. Products or services offered by this business are not
44 necessarily endorsed by any of these organizations. You may qualify for other veterans
45 benefits beyond the benefits for which you are receiving services here.'

46 (2) The written disclosure shall appear in at least 12 point font and shall appear in a
47 readily noticeable and identifiable place in the person's agreement with the individual
48 seeking services. The individual shall verbally acknowledge understanding of the oral
49 disclosure and shall sign the document in which the written disclosure appears, to
50 represent understanding of such provisions. The person offering services shall retain a
51 copy of the written disclosure while providing veterans benefits services for
52 compensation to the individual and for at least one year after the date on which the
53 service relationship terminates.

54 (3) No person shall advertise for compensation services in veterans benefits matters
55 without including the following disclosure:

56 'This business is not sponsored by, or affiliated with, the United States Department of
57 Veterans Affairs or any other federally chartered veterans service organization or the
58 Department of Veterans Service. Other organizations, including, but not limited to, the
59 Department of Veterans Service, your local county veterans service agency, and other
60 federally chartered veterans service organizations, may be able to provide you with
61 these services free of charge. Products or services offered by this business are not
62 necessarily endorsed by any of these organizations. You may qualify for other veterans
63 benefits beyond the services that this business offers.'

64 (4) If the advertisement is printed, including, but not limited to, advertisements visible
65 to internet users, the disclosure shall appear in a readily visible location within such
66 advertisement. If the advertisement is verbal, the spoken statement of the disclosure shall
67 be clear and intelligible.

68 (d) A violation of the provisions of this Code section shall constitute a deceptive and
69 unfair act or practice in the conduct of trade or commerce under this part."

70

SECTION 2.

71 All laws and parts of laws in conflict with this Act are repealed.