



2024 South Dakota Legislature

Senate Bill 180

Introduced by: **Senator Larson**

1 **An Act to modify provisions pertaining to unethical conduct and improper collection**
 2 **of fees relating to assistance or referrals in a veterans benefits matter.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That a NEW SECTION be added to chapter 33A-2:**

5 Except as permitted under federal law, no person may receive any money, thing
 6 of value, or financial benefit for preparing, presenting, prosecuting, advising, consulting,
 7 or assisting any individual with regard to a veterans benefits matter before the United
 8 States Department of Veterans Affairs, the United States Department of Defense, or the
 9 South Dakota Department of Veterans Affairs.

10 No person may receive any money, thing of value, or financial benefit for referring
 11 any individual to another person to prepare, present, prosecute, advise, consult, or assist
 12 regarding any veterans benefits matter before the United States Department of Veterans
 13 Affairs, the United States Department of Defense, or the South Dakota Department of
 14 Veterans Affairs.

15 Nothing in this section may be construed to prohibit a division of fees between
 16 attorneys that is otherwise proper under the laws of this state and the South Dakota Rules
 17 of Professional Conduct.

18 A violation of this section is a deceptive trade practice under chapter 37-24.

19 For the purposes of this section and section 2 of this Act, the term "veterans
 20 benefits matter" means any claim affecting any person who as filed or expressed an intent
 21 to file a claim for any benefit, program, service, commodity, function, or status to which
 22 entitlement is determined under the laws and regulations administered by the United
 23 States Department of Veterans Affairs, the United States Department of Defense, or the
 24 South Dakota Department of Veterans Affairs, and pertaining to a veteran, the dependent
 25 or survivor of a veteran, or any other individual eligible for a benefit, program, service,
 26 commodity, function, or status.

1 **Section 2. That a NEW SECTION be added to chapter 33A-2:**

2 Any person who receives any money, thing of value, or financial benefit for
3 preparing, presenting, prosecuting, advising, consulting, or assisting any individual with
4 regard to a veterans benefits matter before the United States Department of Veterans
5 Affairs, the United States Department of Defense, or the South Dakota Department of
6 Veterans Affairs must be held to the same ethical standard as an attorney is held to in the
7 South Dakota Rules of Professional Conduct regarding the following areas:

- 8 (1) Advertising;
9 (2) Solicitation of new clients;
10 (3) Confidentiality;
11 (4) Duty of care;
12 (5) Duty of honesty; and
13 (6) Duty to zealously pursue what is in the best interest of the client.