

TRADE PRACTICES, DISCLOSURE, & WRITTEN NOTICE REQUIREMENT FOR VET BENEFIT SERVICES

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House Bill 5015 (H-2) as reported from committee
Sponsor: Rep. Jason Wentworth
Committee: Financial Services
Complete to 10-26-17

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

SUMMARY:

House Bill 5015 would amend the Consumer Protection Act by adding Section 3*l* to require an individual engaged in trade or commerce, when meeting with a veteran or veteran's family member in connection with providing a veterans' benefit service, 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 the veteran or a family member may obtain if the individual is engaged to provide the service.
- Receipt of a certain level of veterans' benefits is not guaranteed if the individual is engaged to provide the service.

The bill would require the written notice to be in the same type size and font as the term "veteran" when used in any advertisement or promotional materials published by the individual.

The bill would require the individual to verbally review the written notice at the beginning of the meeting with the veteran or family member and would allow the individual to request the veteran's or family member's signature on a form acknowledging that the notice was received and understood.

Exclusions

The bill would not apply to officers, employees, or volunteers of this state, a political subdivision of this state, or an agency of the United States, acting in an official capacity.

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

General Provisions

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 bill would define the term "veterans' benefit service" 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 pension or medical 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 such a claim.

The bill is tie-barred to House Bill 4918 meaning it could not take effect unless House Bill 4918 is enacted.

The bill would take effect 90 days after being enacted into law.

Proposed MCL 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.

POSITIONS:

A representative of Michigan Association of County Veterans Counselors testified in support of the bill. (10-18-17)

Michigan Veterans Affairs Agency supports the bill. (10-18-17)

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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.