

MICHIGAN CONSUMER PROTECTION ACT (EXCERPT)
Act 331 of 1976

***** 445.903k.added THIS ADDED SECTION IS EFFECTIVE SEPTEMBER 24, 2018 *****

445.903k.added Providing, offering, or receiving compensation for providing or offering of veterans' benefit service; advertising or promoting event regarding veterans' pension or medical benefits; limitations; definitions.

Sec. 3k. (1) A person that is engaged in trade or commerce shall not engage in any of the following acts or practices:

(a) Providing, or offering to provide, a veterans' benefit service to a veteran or family member of a veteran unless the person is any of the following:

(i) Employed by a government agency that is authorized to provide the veterans' benefit service.

(ii) An accredited individual under the federal laws and regulations applicable to the administration of veterans' benefits.

(iii) An employee or authorized representative of a recognized veterans' services organization.

(b) Receiving compensation for providing or offering to provide a veterans' benefit service to a veteran or family member of a veteran unless all of the following are met:

(i) The person is permitted to receive compensation for providing or offering to provide that service to the veteran or family member under the federal laws and regulations applicable to the administration of veterans' benefits.

(ii) Before providing or offering to provide that service, the person discloses all of the following to the veteran or family member:

(A) That the person is not affiliated with a government agency or recognized veterans' services organization.

(B) If applicable, that the veterans' benefit service is available free of charge from a government agency or recognized veterans' services organization.

(C) That the veteran may qualify for benefits other than or in addition to the benefits the veteran or family member may obtain if the person is engaged to provide the veterans' benefit service.

(D) That receipt of a certain level of veterans' benefits is not guaranteed if the person is engaged to provide the veterans' benefit service.

(c) Using financial or other personal information gathered for insurance or other purposes in providing or offering to provide a veterans' benefit service, unless the requirements of this section are met.

(d) Receiving compensation for referring a veteran or a family member of a veteran to an individual who is accredited by the United States Department of Veterans Affairs.

(e) Representing, either directly or by implication, either orally or in writing, that the receipt of a certain level of veterans' benefits is guaranteed.

(2) A person engaged in trade or commerce shall not advertise or promote any event, presentation, seminar, workshop, or other public gathering regarding veterans' pension or medical benefits or entitlements that does not include the following disclosure: "This event is not sponsored by, or affiliated with, the United States Department of Veterans Affairs, the Michigan 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 any of their auxiliaries. Products or services that may be discussed at this event are not necessarily endorsed by those organizations. You may qualify for benefits other than or in addition to the benefits discussed at this event."

(3) All of the following apply to the disclosure required under subsection (2):

(a) The disclosure must be in the same type size and font as the term "veteran" or any variation of that term as used in the event advertisement or promotional materials.

(b) The disclosure must be disseminated, both orally and in writing, at the beginning of any event, presentation, seminar, workshop, or other public gathering regarding veterans' benefits or entitlements.

(c) The disclosure does not apply if 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 any of their auxiliaries have granted written permission to the advertiser or promoter for the use of its name, symbol, or insignia to advertise or promote events, presentations, seminars, workshops, or other public gatherings described in this subsection. The disclosure also does not apply if the event, presentation, seminar, workshop, or gathering is part of an accredited continuing legal education course.

(4) This section does not apply to officers, employees, or volunteers of this state, of any county, city, or

other political subdivision of this state, or of a federal agency of the United States, who are acting in their official capacity.

(5) As used in this section:

(a) "Compensation" means money, property, or anything else of value, including, but not limited to, exclusive arrangements or agreements for the provision of services or the purchase of products.

(b) "Recognized veterans' services organization" means a veterans' services organization that is recognized under the federal laws and regulations applicable to the administration of veterans' benefits.

(c) "Veterans' benefit service" means any of the following:

(i) 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.

(ii) Advice or representation concerning the preparation, presentation, or prosecution of a claim described in subparagraph (i).

History: Add. 2018, Act 211, Eff. Sept. 24, 2018.