

SENATE BILL 353

P1

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(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Veterans Affairs)**

Requested: September 22, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Veterans – Benefits and Benefits Appeals Services – Disclosure Requirements**

3 FOR the purpose of requiring a person who charges a fee for certain veterans benefits
4 services or veterans benefits appeals services to provide a written disclosure
5 statement to and obtain written acknowledgment of the disclosure statement from
6 certain individuals under certain circumstances; requiring a certain person who
7 charges a fee for providing certain veterans benefits appeals services to include a
8 certain notice in advertisements for those services; providing that a person that
9 violates certain provisions is subject to a civil penalty of up to a certain amount;
10 providing that certain civil fines shall be in an amount ordered by the District Court
11 in an action brought by the Attorney General; providing that each day a certain
12 violation occurs is a separate violation; requiring that certain civil penalties be
13 deposited into the Maryland Veterans Trust Fund; defining certain terms; and
14 generally relating to veterans benefits services and veterans benefits appeals
15 services.

16 BY adding to

17 Article – State Government
18 Section 9–905.1
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – State Government
23 Section 9–913(c)
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2020 Supplement)

26 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Government
2 Section 9–913(g)
3 Annotated Code of Maryland
4 (2014 Replacement Volume and 2020 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
6 That the Laws of Maryland read as follows:

7 **Article – State Government**

8 **9–905.1.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (2) “ADVERTISEMENT” MEANS:

12 (I) A WRITTEN OR PRINTED COMMUNICATION MADE FOR THE
13 PURPOSE OF SOLICITING BUSINESS FOR VETERANS BENEFITS APPEALS SERVICES;

14 (II) A DIRECTORY LISTING FOR A PERSON THAT IS OFFERING
15 VETERANS BENEFITS APPEALS SERVICES; OR

16 (III) A RADIO, TELEVISION, COMPUTER NETWORK OR AIRWAVE,
17 OR ELECTRONIC TRANSMISSION THAT SOLICITS BUSINESS FOR OR PROMOTES A
18 PERSON OFFERING VETERANS BENEFITS APPEALS SERVICES.

19 (3) “VETERANS BENEFITS APPEALS SERVICES” MEANS ANY SERVICES
20 THAT A VETERAN MIGHT REASONABLY REQUIRE IN ORDER TO APPEAL A DENIAL OF
21 FEDERAL, STATE, OR LOCAL VETERANS BENEFITS, INCLUDING DENIALS OF
22 DISABILITY, LIMITED INCOME, HOME LOAN, INSURANCE, EDUCATION AND
23 TRAINING, HEALTH CARE, BURIAL AND MEMORIAL, AND DEPENDENT AND SURVIVOR
24 BENEFITS.

25 (4) “VETERANS BENEFITS SERVICES” MEANS ANY SERVICES A
26 VETERAN OR A FAMILY MEMBER OF A VETERAN MIGHT REASONABLY USE IN ORDER
27 TO OBTAIN FEDERAL, STATE, OR LOCAL VETERANS BENEFITS.

28 (B) (1) BEFORE ENTERING INTO AN AGREEMENT WITH AN INDIVIDUAL
29 FOR THE PROVISION OF VETERANS BENEFITS SERVICES OR VETERANS BENEFITS
30 APPEALS SERVICES, A PERSON WHO CHARGES A FEE FOR THOSE SERVICES SHALL:

31 (I) PROVIDE A WRITTEN DISCLOSURE STATEMENT TO EACH
32 INDIVIDUAL; AND

1 (II) OBTAIN THE INDIVIDUAL'S SIGNATURE ON THE WRITTEN
2 DISCLOSURE STATEMENT ACKNOWLEDGING THAT THE INDIVIDUAL UNDERSTANDS
3 THE DISCLOSURE STATEMENT.

4 (2) THE WRITTEN DISCLOSURE STATEMENT SHALL:

5 (I) BE ON A FORM APPROVED BY THE SECRETARY; AND

6 (II) STATE THAT VETERANS BENEFITS SERVICES AND VETERANS
7 BENEFITS APPEALS SERVICES ARE OFFERED AT NO COST BY THE DEPARTMENT AND
8 OTHER VETERANS SERVICES ORGANIZATIONS ACCREDITED BY THE U.S.
9 DEPARTMENT OF VETERANS AFFAIRS.

10 (C) A PERSON WHO CHARGES A FEE FOR PROVIDING VETERANS BENEFITS
11 APPEALS SERVICES SHALL PROVIDE IN ANY ADVERTISEMENT FOR APPEALS
12 SERVICES NOTICE THAT APPEALS SERVICES ARE ALSO OFFERED AT NO COST BY THE
13 DEPARTMENT AND OTHER VETERANS SERVICES ORGANIZATIONS ACCREDITED BY
14 THE U.S. DEPARTMENT OF VETERANS AFFAIRS.

15 (D) (1) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION IS
16 SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$1,000 FOR EACH VIOLATION.

17 (2) CIVIL PENALTIES SHALL BE IN AN AMOUNT ORDERED BY THE
18 DISTRICT COURT IN AN ACTION BROUGHT BY THE ATTORNEY GENERAL.

19 (3) EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION.

20 (4) ANY CIVIL PENALTY COLLECTED SHALL BE DEPOSITED IN THE
21 MARYLAND VETERANS TRUST FUND.

22 9-913.

23 (c) "Fund" means the Maryland Veterans Trust Fund.

24 (g) The Fund consists of:

25 (1) gifts and grants that the Trust receives under § 9-914.2(a)(1) of this
26 subtitle; and

27 (2) contributions to the Fund from:

28 (i) the sale of tickets from instant ticket lottery machines under §
29 9-112(d) of this title;

1 (ii) the donations from video lottery facility players under §
2 9–1A–04(d)(19) of this title; [and]

3 (iii) the designated fees from special registration plates for recipients
4 of an individually earned, combat–related armed forces medal under § 13–619.1 of the
5 Transportation Article; AND

6 (IV) CIVIL PENALTIES COLLECTED IN ACCORDANCE WITH §
7 9–905.1 OF THIS SUBTITLE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2021.