

HOUSE BILL 267

P1, I3

(PRE-FILED)

5lr1199
CF 5lr1200

By: **Delegates Allen and Rogers**

Requested: October 15, 2024

Introduced and read first time: January 8, 2025

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Veterans Benefits Matters – Claim Servicers – Prohibitions and Requirements**

3 FOR the purpose of establishing prohibitions and requirements regarding compensation
4 for certain services related to veterans benefits matters; prohibiting a person that is
5 not V.A. accredited from making certain guarantees; providing for the enforcement
6 of this Act under the Maryland Consumer Protection Act; repealing certain
7 advertising and disclosure requirements for veterans benefits services and veterans
8 benefits appeals services; and generally relating to veterans benefits matters.

9 BY repealing and reenacting, with amendments,
10 Article – Commercial Law
11 Section 13–301(14)(xlv)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2024 Supplement)
14 (As enacted by Chapters 262, 454, 455, 460, 461, 463, and 962 of the Acts of the
15 General Assembly of 2024)

16 BY repealing and reenacting, without amendments,
17 Article – Commercial Law
18 Section 13–301(14)(xlv) and (15)
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2024 Supplement)

21 BY adding to
22 Article – Commercial Law
23 Section 13–301(14)(xlvi)
24 Annotated Code of Maryland
25 (2013 Replacement Volume and 2024 Supplement)

26 BY repealing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Government
2 Section 9–905.1
3 Annotated Code of Maryland
4 (2021 Replacement Volume and 2024 Supplement)

5 BY adding to
6 Article – State Government
7 Section 9–905.1
8 Annotated Code of Maryland
9 (2021 Replacement Volume and 2024 Supplement)

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

12 **Article – Commercial Law**

13 13–301.

14 Unfair, abusive, or deceptive trade practices include any:

15 (14) Violation of a provision of:

16 (xlv) Title 14, Subtitle 49 of this article; [or]

17 (xlv) Section 12–6C–09.1 of the Health Occupations Article; or

18 **(XLVI) SECTION 9–905.1 OF THE STATE GOVERNMENT**
19 **ARTICLE; OR**

20 (15) Act or omission that relates to a residential building and that is
21 chargeable as a misdemeanor under or otherwise violates a provision of the Energy
22 Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article.

23 **Article – State Government**

24 [9–905.1.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) “Advertisement” means:

27 (i) a written or printed communication made for the purpose of
28 soliciting business for veterans benefits appeals services;

29 (ii) a directory listing for a person that is offering veterans benefits
30 appeals services; or

1 (iii) a radio, television, computer network or airwave, or electronic
2 transmission that solicits business for or promotes a person offering veterans benefits
3 appeals services.

4 (3) "Veterans benefits appeals services" means any services that a veteran
5 might reasonably require in order to appeal a denial of federal, state, or local veterans
6 benefits, including denials of disability, limited income, home loan, insurance, education
7 and training, health care, burial and memorial, and dependent and survivor benefits.

8 (4) "Veterans benefits services" means any services a veteran or a family
9 member of a veteran might reasonably use in order to obtain federal, state, or local veterans
10 benefits.

11 (b) (1) Before entering into an agreement with an individual for the provision
12 of veterans benefits services or veterans benefits appeals services, a person who charges a
13 fee for those services shall:

14 (i) provide a written disclosure statement to each individual; and

15 (ii) obtain the individual's signature on the written disclosure
16 statement acknowledging that the individual understands the disclosure statement.

17 (2) The written disclosure statement shall:

18 (i) be on a form approved by the Secretary; and

19 (ii) state that veterans benefits services and veterans benefits
20 appeals services are offered at no cost by the Department and other veterans services
21 organizations accredited by the U.S. Department of Veterans Affairs.

22 (c) A person who charges a fee for providing veterans benefits appeals services
23 shall provide in any advertisement for appeals services notice that appeals services are also
24 offered at no cost by the Department and other veterans services organizations accredited
25 by the U.S. Department of Veterans Affairs.

26 (d) (1) A person who violates the provisions of this section is subject to a civil
27 penalty of not more than \$1,000 for each violation.

28 (2) Civil penalties shall be in an amount ordered by the District Court in
29 an action brought by the Attorney General.

30 (3) Each day a violation continues is a separate violation.

31 (4) Any civil penalty collected shall be deposited in the Maryland Veterans
32 Trust Fund.]

33 **9-905.1.**

1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(2) “COMPENSATION” MEANS PAYMENT OF MONEY, A THING OF**
4 **VALUE, OR A FINANCIAL BENEFIT.**

5 **(3) “V.A. ACCREDITED” MEANS AUTHORIZED BY THE U.S.**
6 **DEPARTMENT OF VETERANS AFFAIRS TO PROVIDE SERVICES IN ACCORDANCE WITH**
7 **38 C.F.R. § 14.629.**

8 **(4) “VETERANS BENEFITS MATTER” MEANS A CLAIM OR APPEAL**
9 **AFFECTING AN INDIVIDUAL WHO HAS FILED OR EXPRESSED AN INTENT TO FILE A**
10 **CLAIM FOR ANY BENEFIT, PROGRAM, SERVICE, COMMODITY, FUNCTION, OR STATUS,**
11 **TO WHICH ENTITLEMENT IS DETERMINED UNDER THE LAWS AND REGULATIONS**
12 **ADMINISTERED BY THE U.S. DEPARTMENT OF VETERANS AFFAIRS OR THE U.S.**
13 **DEPARTMENT OF DEFENSE PERTAINING TO VETERANS, THEIR DEPENDENTS, THEIR**
14 **SURVIVORS, AND ANY OTHER INDIVIDUAL ELIGIBLE FOR SUCH BENEFITS.**

15 **(B) A PERSON THAT IS NOT V.A. ACCREDITED MAY NOT:**

16 **(1) EXCEPT AS AUTHORIZED UNDER FEDERAL LAW, RECEIVE**
17 **COMPENSATION FOR:**

18 **(I) PREPARING, PRESENTING, OR PROSECUTING A VETERANS**
19 **BENEFITS MATTER; OR**

20 **(II) ADVISING, CONSULTING, OR ASSISTING AN INDIVIDUAL**
21 **WITH REGARD TO A VETERANS BENEFITS MATTER;**

22 **(2) RECEIVE COMPENSATION FOR REFERRING AN INDIVIDUAL TO**
23 **ANOTHER PERSON FOR THE PREPARATION, PRESENTATION, OR PROSECUTION OF A**
24 **VETERANS BENEFITS MATTER OR ADVICE, CONSULTATION, OR ASSISTANCE WITH A**
25 **VETERANS BENEFITS MATTER; OR**

26 **(3) GUARANTEE, EITHER DIRECTLY OR BY IMPLICATION, THAT AN**
27 **INDIVIDUAL IS CERTAIN TO RECEIVE:**

28 **(I) SPECIFIC VETERANS BENEFITS; OR**

29 **(II) A SPECIFIC LEVEL, PERCENTAGE, OR AMOUNT OF**
30 **VETERANS BENEFITS.**

1 **(C) (1) A PERSON MAY NOT RECEIVE EXCESSIVE OR UNREASONABLE**
2 **FEES, AS DETERMINED IN ACCORDANCE WITH 38 C.F.R. § 14.636(E), AS**
3 **COMPENSATION FOR PREPARING, PRESENTING, OR PROSECUTING A VETERANS**
4 **BENEFITS MATTER OR ADVISING, CONSULTING, OR ASSISTING AN INDIVIDUAL WITH**
5 **A VETERANS BENEFITS MATTER.**

6 **(2) A PERSON SEEKING TO RECEIVE COMPENSATION FOR**
7 **PREPARING, PRESENTING, OR PROSECUTING A VETERANS BENEFITS MATTER OR**
8 **ADVISING, CONSULTING, OR ASSISTING AN INDIVIDUAL WITH A VETERANS BENEFITS**
9 **MATTER SHALL, BEFORE RENDERING ANY SERVICES, ENTER INTO A WRITTEN FEE**
10 **AGREEMENT, SIGNED BY BOTH PARTIES, THAT ADHERES TO ALL CRITERIA**
11 **SPECIFIED IN 38 C.F.R. § 14.636.**

12 **(D) (1) A VIOLATION OF THIS SECTION:**

13 **(I) IS AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE**
14 **WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND**

15 **(II) IS SUBJECT TO THE ENFORCEMENT AND PENALTY**
16 **PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.**

17 **(2) ANY CIVIL OR ADMINISTRATIVE PENALTY COLLECTED BY THE**
18 **ATTORNEY GENERAL IN AN ACTION UNDER THIS SECTION SHALL BE DEPOSITED IN**
19 **THE MARYLAND VETERANS TRUST FUND.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2025.