

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 658

By Senator Oliverio

[Introduced March 3, 2025; referred
to the Committee on Military]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §9A-1-13, relating to persons receiving compensation for assisting an
3 individual to obtain veterans' benefits; defining terms; prohibiting compensation for
4 referrals; prohibiting compensation for services rendered in connection with claim filed
5 within one year of active-duty releases; prohibiting the guarantee of an outcome or specific
6 veterans' benefits; requiring a written agreement limiting compensation; requiring written
7 disclosure; prohibiting use of international data centers for processing veterans' personal
8 information; limiting the use of veterans' personal information; requiring background
9 checks; identifying actions that constitute representation and compensation for
10 representing a person seeking veterans' benefits; providing that a violation of this section
11 is an unlawful practice and a violation of the West Virginia Consumer Credit and Protection
12 Act; and requiring any such representation comply with federal law.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEPARTMENT OF VETERANS' ASSISTANCE.

§9A-1-13. Safeguarding American Veteran Empowerment Act.

1 (a) As used in this section:

2 "Compensation" means payment of any money, thing of value, or financial benefit.

3 "Person" means an individual, corporation, business trust, estate, trust, partnership,
4 limited liability company, association, joint venture, public corporation, government or
5 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

6 "Veterans' benefits matter" means the preparation, presentation, or prosecution of any
7 claim affecting any person who has filed or expressed an intent to file a claim for any benefit,
8 program, service, commodity, function, status, or entitlement to which is determined under the
9 laws and regulations administered by the United States Department of Veterans Affairs or the
10 West Virginia Department of Military and Veterans' Affairs pertaining to veterans, their
11 dependents, their survivors, and any other individual eligible for such benefits.

12 (b) No person may:

13 (1) Receive compensation for referring any individual to another person to advise or assist
14 this individual with any veterans' benefits matter;

15 (2) Receive any compensation for any services rendered in connection with any claim filed
16 within the one year presumptive period of active-duty release, unless the veteran acknowledges
17 by signing a waiver that they are within this period and choosing to deny free services available to
18 them; or

19 (3) Guarantee, either directly or by implication, a successful outcome or that any individual
20 is certain to receive specific veterans' benefits or that any individual is certain to receive a specific
21 level, percentage or amount of veterans' benefits.

22 (c) A person seeking to receive compensation for advising, assisting, or consulting with
23 any individual in connection with any veterans' benefits matter must, before rendering any
24 services, memorialize the specific terms under which the amount to be paid will be determined in a
25 written agreement signed by both parties. Compensation must be purely contingent upon an
26 increase in benefits awarded, and if successful, compensation must not exceed five times the
27 amount of the monthly increase in benefits awarded based on the claim. No initial or
28 nonrefundable fee may be charged by a person advising, assisting, or consulting an individual on
29 a veterans' benefits matter.

30 (d) Any person advising, assisting, or consulting on a veterans' benefits matter for
31 compensation must provide the following disclosure at the outset of the business relationship:

32 "This business is not sponsored by, or affiliated with, the United States Department of
33 Veterans Affairs or the West Virginia Department of Veterans Assistance, or any other federally
34 chartered veterans' service organization. Other organizations including but not limited to the West
35 Virginia Department of Veterans Assistance, a local veterans' service organization, and other
36 federally chartered veterans' service organizations may be able to provide you with the service
37 free of charge. Products or services offered by this business are not necessarily endorsed by any

of these organizations. You may qualify for other veterans' benefits for which you are receiving services here."

This written disclosure must appear in at least 12-point font in an easily identifiable place in the person's agreement with the individual seeking services. The individual must sign the document in which the written disclosure appears to represent an understanding of these provisions. The person offering services must retain a copy of the written disclosures while providing veterans' benefits services for compensation to the individual for at least one year after the date on which the service relations terminate.

(e) Businesses advising, assisting, or consulting on veterans' benefits matters for a fee shall:

(1) Not utilize international data centers for processing veterans' personal information;

(2) Not use a veteran's personal log-in, username, or password information to access that veteran's personal information;

(3) Ensure that any individual who has access to veterans' medical or financial information undergoes a background check prior to having access to that information. The background check must be conducted by a reputable source and include identify verification and a criminal records check.

(f) A violation of this section is an unlawful practice and a violation of West Virginia Consumer Credit and Protection Act at §46A-6-1 et seq. of this code.

(g) Nothing in this section is to be construed as applying to, limiting, or expanding the requirements imposed on agents, attorneys, or other representatives accredited by the United States Department of Veterans Affairs and regulated by that agency.

NOTE: The purpose of this bill relates to persons receiving compensation for assisting an individual to obtain veterans' benefits. The bill defines terms; prohibits compensation for services rendered in connection with claim filed within one year of active-duty releases; prohibits the guarantee of an outcome or specific veterans' benefits; requires a written agreement limiting compensation; requires written disclosure; prohibits use of international

data centers for processing veterans' personal information; limits the use of veterans' personal information; requires background checks; identifies actions that constitute representation and compensation for representing a person seeking veterans' benefits; provides that a violation of this section is an unlawful practice and a violation of the West Virginia Consumer Credit and Protection Act; and requires any such representation comply with federal law.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.