

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 658

BY SENATOR OLIVERIO

[Reported March 10, 2025, from the Committee on
Military]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §9A-7-1, §9A-7-2, §9A-7-3, §9A-7-4, and §9A-7-5, relating to creation of the
3 Veterans' Empowerment and Trust Safeguard Act; defining terms; prohibiting a person
4 from receiving compensation for assisting another in obtaining veterans' benefits, except
5 as permitted by federal law; prohibiting a person from receiving compensation for referring
6 an individual to another person to assist with obtaining veterans' benefits; prohibiting a
7 person from receiving compensation for services rendered prior to action by the
8 Department of Veterans Affairs; prohibiting a person from guaranteeing an individual is
9 certain to receive specific veterans' benefits; prohibiting a person from receiving excessive
10 or unreasonable fees for assisting another in obtaining veterans' benefits; prohibiting a
11 person from receiving compensation for assisting another in obtaining veterans' benefits
12 without a written fee agreement, to be filed with the Department of Veterans Affairs;
13 prohibiting the provision of medical evidence or expert witness testimony in connection
14 with a veterans' benefits matter where fees are not pre-determined; establishing violations
15 of the West Virginia Consumer Credit and Protection Act; and providing for exceptions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. VETERANS' EMPOWERMENT AND TRUST SAFEGUARD (VETS) ACT.

§9A-7-1. Definitions.

1 As used in this article, unless the context otherwise indicates, the following terms have the
2 following meanings:

3 (1) "Compensation" means the payment of money, a thing of value, or a financial benefit.

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

7 (3) "Department" means the United States Department of Veterans Affairs.

8 (4) "Veterans' benefits matter" means the preparation, presentation, or prosecution of a
9 claim affecting an individual who has filed, or has expressed an intent to file, a claim for a benefit,
10 program, service, commodity, function, status, or entitlement which is administered by the United
11 States Department of Veterans Affairs or the United States Department of Defense and pertains
12 to veterans, their dependents, their survivors, or any other individual eligible for such benefits.

§9A-7-2. Prohibitions.

1 No person shall:

2 (1) Receive compensation for the preparation, presentation, or prosecution of, or for
3 advising, consulting, or assisting an individual with, a veterans' benefits matter, except as
4 permitted by federal law or regulation;

5 (2) Receive compensation for referring an individual to another person to prepare, present,
6 or prosecute, or to advise, consult, or assist an individual with, a veterans' benefits matter;

7 (3) Receive, with respect to an individual's veterans' benefits matter, compensation for
8 services rendered before the date on which the department has issued a benefit determination
9 letter or other similar notification, a decision review has occurred, or an appeal has been filed,
10 whichever occurs first;

11 (4) Guarantee, either directly or by implication, that any individual is certain to receive
12 specific veterans' benefits or that any individual is certain to receive a specific level, percentage,
13 or amount of veterans' benefits;

14 (5) Receive excessive or unreasonable fees as compensation for the preparation,
15 presentation, or prosecution of, or for advising, consulting, or assisting an individual with, a
16 veterans' benefits matter. The factors articulated in 38 C.F.R. § 14.636(e) and 38 U.S.C. § 5904
17 shall govern determinations of whether a fee is excessive or unreasonable;

18 (6) Receive compensation for the preparation, presentation, or prosecution of, or for
19 advising, consulting, or assisting an individual with, any veterans' benefits matter without first

providing an executed copy of a written fee agreement, drafted in accordance with §9A-7-3 of this code, to the department and/or its Office of General Counsel; or

(7) Receive or seek to receive fees as compensation for providing medical evidence or expert witness testimony in connection with a veterans' benefits matter which are contingent upon the outcome of the veterans' benefits matter or are otherwise not pre-determined.

§9A-7-3. Memorialization of terms.

Any person seeking to receive compensation for the preparation, presentation, or prosecution of, or for advising, consulting, or assisting an individual with, a veterans' benefits matter shall, before rendering any services for which compensation is to be paid, memorialize all terms regarding the payment of fees for services rendered in a written agreement signed by all parties. The written agreement shall adhere to all criteria specified in 38 C.F.R. § 14.636(g) and 38 U.S.C. § 5904.

§9A-7-4. Violation of the West Virginia Consumer Credit and Protection Act.

A violation of the provisions of this article constitutes a violation of the West Virginia Consumer Credit and Protection Act, as provided in §46A-5-101 *et seq.* of this code.

§9A-7-5. Exceptions.

This article does not apply to:

(1) An accredited agent, attorney, or representative of a recognized organization under 38 C.F.R. § 14.629 or 38 U.S.C. § 5904;

(2) An employee of the State of West Virginia or the federal government who is authorized and accredited to take actions otherwise prohibited by this article; or

(3) A licensed medical professional who provides medical opinions or expert witness testimony in connection with a veterans' benefits matter and who charges a pre-determined, flat rate for expert witness testimony that is not contingent upon the outcome of the veterans' benefits matter.