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HOUSE BILL 2390

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Parker, Kirby, Fagan, Ryu, Morrell, Christian, Orwall, Pollet, and Muri; by request of Attorney General

Read first time 01/16/14. Referred to Committee on Community Development, Housing & Tribal Affairs.

1 AN ACT Relating to preserving the integrity of veterans' benefit-  
2 related services; and adding a new chapter to Title 19 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds and declares that the  
5 practice of persons using the allure of untapped benefits from the  
6 United States department of veterans affairs to market products and  
7 services substantially affects the public interest. This practice may  
8 impact the ability of veterans or their surviving spouses to  
9 appropriately plan their finances or care. The legislature further  
10 finds that the lack of regulation of persons who provide advice related  
11 to veterans' benefits is inadequate to address unfair and deceptive  
12 practices that exist in the marketplace and has contributed to the  
13 unauthorized practice of law and the use and marketing of financial  
14 planning options that are potentially detrimental to the veteran, their  
15 spouse, and family. It is the intent of the legislature, through this  
16 chapter, to restrict how individuals receive compensation and  
17 remuneration for providing assistance with veterans' benefit-related  
18 services and to encourage certain disclosures from individuals offering  
19 veterans' benefit-related services.

1        NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
2 throughout this chapter unless the context clearly requires otherwise.

3        (1) "Compensation" means money, property, or anything else of  
4 value, which includes, but is not limited to, exclusive arrangements or  
5 agreements for the provision of services or the purchase of products.

6        (2) "Person" includes, where applicable, natural persons,  
7 corporations, trusts, unincorporated associations, and partnerships.

8        (3) "Trade or commerce" includes the marketing or sale of assets,  
9 goods, or services, or any commerce directly or indirectly affecting  
10 the people of the state of Washington.

11       (4) "Veterans' benefit matter" means any preparation, presentation,  
12 or prosecution of a claim affecting a person who has filed or has  
13 expressed an intention to file an application for determination of  
14 payment, service, commodity, function, or status, entitlement to which  
15 is determined under laws administered by the United States department  
16 of veterans affairs or the Washington state department of veterans  
17 affairs pertaining to veterans, dependents, and survivors.

18       NEW SECTION.    **Sec. 3.**    A person may not engage in the following  
19 acts or practices:

20       (1) Receiving compensation for advising or assisting another person  
21 with a veterans' benefit matter, except as permitted under Title 38 of  
22 the United States Code;

23       (2) Using financial or other personal information gathered in order  
24 to prepare documents for, or otherwise represent the interests of,  
25 another in a veterans' benefit matter for purposes of trade or  
26 commerce;

27       (3) Receiving compensation for referring another person to a person  
28 accredited by the United States department of veterans affairs;

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

32       NEW SECTION.    **Sec. 4.**    (1) It is unlawful for any person to  
33 advertise or promote any event, presentation, seminar, workshop, or  
34 other public gathering regarding veterans' benefits or entitlements  
35 that does not include the following disclosure: "This event is not  
36 sponsored by, or affiliated with, the United States Department of

1 Veterans Affairs, the Washington State Department of Veterans Affairs,  
2 or any other congressionally chartered or recognized organization of  
3 honorably discharged members of the Armed Forces of the United States  
4 or any of their auxiliaries. Products or services that may be  
5 discussed at this event are not necessarily endorsed by those  
6 organizations. You may qualify for benefits other than or in addition  
7 to the benefits discussed at this event."

8 (2) The disclosure required by subsection (1) of this section must  
9 be in the same type size and font as the term "veteran" or any  
10 variation of that term as used in the event advertisement or  
11 promotional materials.

12 (3) The disclosure required by subsection (1) of this section must  
13 be disseminated, both orally and in writing, at the beginning of any  
14 event, presentation, seminar, workshop, or other public gathering  
15 regarding veterans' benefits or entitlements.

16 (4) The disclosure required by subsection (1) of this section does  
17 not apply where the United States department of veterans affairs, the  
18 Washington state department of veterans affairs, or any other  
19 congressionally chartered or recognized organization of honorably  
20 discharged members of the armed forces of the United States or any of  
21 their auxiliaries have granted written permission to the advertiser or  
22 promoter for the use of its name, symbol, or insignia to advertise or  
23 promote the event, presentation, seminar, workshop, or other public  
24 gathering.

25 NEW SECTION. **Sec. 5.** Nothing in this chapter applies to officers,  
26 employees, or volunteers of the state, of any county, city, or other  
27 political subdivision, or of a federal agency of the United States, who  
28 are acting in their official capacity.

29 NEW SECTION. **Sec. 6.** The legislature finds that the practices  
30 covered by this chapter are matters vitally affecting the public  
31 interest for the purpose of applying the consumer protection act,  
32 chapter 19.86 RCW. A violation of this chapter is not reasonable in  
33 relation to the development and preservation of business and is an  
34 unfair or deceptive act in trade or commerce and an unfair method of  
35 competition for purposes of applying the consumer protection act,  
36 chapter 19.86 RCW.

1        NEW SECTION.    **Sec. 7.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 8.**    This chapter may be known and cited as the  
6 "pension poacher prevention act."

7        NEW SECTION.    **Sec. 9.**    Sections 1 through 6 and 8 of this act  
8 constitute a new chapter in Title 19 RCW.

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