

SENATE BILL 353

P1

11r0021

(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

Committee Report: Favorable

Senate action: Adopted

Read second time: February 11, 2021

CHAPTER _____

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,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

5 BY repealing and reenacting, with amendments,
6 Article – State Government
7 Section 9–913(g)
8 Annotated Code of Maryland
9 (2014 Replacement Volume and 2020 Supplement)

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

12 **Article – State Government**

13 **9–905.1.**

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (2) “ADVERTISEMENT” MEANS:

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

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

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

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

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

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

4 **(I) PROVIDE A WRITTEN DISCLOSURE STATEMENT TO EACH**
5 **INDIVIDUAL; AND**

6 **(II) OBTAIN THE INDIVIDUAL'S SIGNATURE ON THE WRITTEN**
7 **DISCLOSURE STATEMENT ACKNOWLEDGING THAT THE INDIVIDUAL UNDERSTANDS**
8 **THE DISCLOSURE STATEMENT.**

9 **(2) THE WRITTEN DISCLOSURE STATEMENT SHALL:**

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

11 **(II) STATE THAT VETERANS BENEFITS SERVICES AND VETERANS**
12 **BENEFITS APPEALS SERVICES ARE OFFERED AT NO COST BY THE DEPARTMENT AND**
13 **OTHER VETERANS SERVICES ORGANIZATIONS ACCREDITED BY THE U.S.**
14 **DEPARTMENT OF VETERANS AFFAIRS.**

15 **(C) A PERSON WHO CHARGES A FEE FOR PROVIDING VETERANS BENEFITS**
16 **APPEALS SERVICES SHALL PROVIDE IN ANY ADVERTISEMENT FOR APPEALS**
17 **SERVICES NOTICE THAT APPEALS SERVICES ARE ALSO OFFERED AT NO COST BY THE**
18 **DEPARTMENT AND OTHER VETERANS SERVICES ORGANIZATIONS ACCREDITED BY**
19 **THE U.S. DEPARTMENT OF VETERANS AFFAIRS.**

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

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

24 **(3) EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION.**

25 **(4) ANY CIVIL PENALTY COLLECTED SHALL BE DEPOSITED IN THE**
26 **MARYLAND VETERANS TRUST FUND.**

27 9-913.

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

29 (g) The Fund consists of:

1 (1) gifts and grants that the Trust receives under § 9–914.2(a)(1) of this
2 subtitle; and

3 (2) contributions to the Fund from:

4 (i) the sale of tickets from instant ticket lottery machines under §
5 9–112(d) of this title;

6 (ii) the donations from video lottery facility players under §
7 9–1A–04(d)(19) of this title; [and]

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

11 (IV) CIVIL PENALTIES COLLECTED IN ACCORDANCE WITH §
12 9–905.1 OF THIS SUBTITLE.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.