

SENATE BILL NO. 1103

November 13, 2024, Introduced by Senators SANTANA and LINDSEY and referred to the Committee on Veterans and Emergency Services.

A bill to amend 1976 PA 331, entitled
"Michigan consumer protection act,"
by amending section 3k (MCL 445.903k), as added by 2018 PA 211.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3k. (1) A person that is engaged in trade or commerce
2 shall not engage in any of the following acts or practices:

3 (a) Providing, or offering to provide, a veterans' benefit
4 service to a veteran or family member of a veteran unless the
5 person is any of the following:

6 (i) Employed by a government agency that is authorized to

1 provide the veterans' benefit service.

2 (ii) ~~An~~**Except as otherwise provided in this subparagraph, an**
3 accredited individual under the federal laws and regulations
4 applicable to the administration of veterans' benefits. **If an**
5 **individual is unaccredited, that individual may provide only those**
6 **veterans' benefit services that do not include representing a**
7 **veteran or a family member of a veteran as an agent or attorney.**

8 (iii) An employee or authorized representative of a recognized
9 veterans' services organization.

10 (b) Receiving compensation for providing or offering to
11 provide a veterans' benefit service to a veteran or family member
12 of a veteran unless all of the following are met:

13 (i) The person is permitted to receive compensation for
14 providing or offering to provide that service to the veteran or
15 family member under the federal laws and regulations applicable to
16 the administration of veterans' benefits.

17 (ii) **Except as otherwise provided in subsection (2), if the**
18 **person is seeking to receive compensation for a veterans' benefit**
19 **service in connection with an initial claim for disability**
20 **benefits, the person does all of the following:**

21 (A) Memorializes the specific terms under which the amount to
22 be paid must be determined in a written agreement signed by both
23 parties.

24 (B) Receives only compensation that is purely contingent upon
25 an increase in benefits awarded, and does not exceed 5 times the
26 amount of the monthly increase in benefits awarded based on the
27 claim. An initial or nonrefundable fee must not be charged.

28 (C) Receives no compensation for any services rendered in
29 connection with any claim filed within the 1-year presumptive

1 period of active-duty release, unless the veteran acknowledges by
2 signing a waiver that the veteran is within this period and is
3 choosing to deny free services that are available to that veteran.

4 (D) Ensures that no international call centers or data centers
5 are utilized for processing veterans' personal information.

6 (E) Ensures that a veteran's personal log-in, username, or
7 password information is not used to access that veteran's medical,
8 financial, or government benefits information.

9 (F) Ensures that any individual who has access to veterans'
10 medical or financial information undergoes a background check prior
11 to having access to that information. The background check must be
12 conducted by a reputable source and include identity verification
13 and a criminal records check.

14 (iii) ~~(ii)~~—Before providing or offering to provide that **veterans'**
15 **benefit** service, the person discloses all of the following to the
16 veteran or family member:

17 (A) That the person is not affiliated with a government agency
18 or recognized veterans' services organization.

19 (B) If applicable, that the veterans' benefit service is
20 available free of charge from a government agency or recognized
21 veterans' services organization.

22 (C) That the veteran may qualify for benefits other than or in
23 addition to the benefits the veteran or family member may obtain if
24 the person is engaged to provide the veterans' benefit service.

25 (D) That receipt of a certain level of veterans' benefits is
26 not guaranteed if the person is engaged to provide the veterans'
27 benefit service.

28 (c) Using financial or other personal information gathered for
29 insurance or other purposes in providing or offering to provide a

1 veterans' benefit service, unless the requirements of this section
2 are met.

3 (d) Receiving compensation for referring a veteran or a family
4 member of a veteran to an individual who is accredited by the
5 United States Department of Veterans Affairs.

6 (e) Representing, either directly or by implication, either
7 orally or in writing, that the receipt of a certain level of
8 veterans' benefits is guaranteed.

9 **(2) Subsection (1) (b) (ii) does not apply to agents or attorneys**
10 **who are accredited by the United States Department of Veterans**
11 **Affairs and are regulated by that agency.**

12 **(3)** ~~(2)~~—A person engaged in trade or commerce shall not
13 advertise or promote any event, presentation, seminar, workshop, or
14 other public gathering regarding veterans' pension or medical
15 benefits or entitlements that does not include the following
16 disclosure: "This event is not sponsored by, or affiliated with,
17 the United States Department of Veterans Affairs, the Michigan
18 Department of Military and Veterans Affairs, the Michigan Veterans
19 Affairs Agency, or any other congressionally chartered or
20 recognized organization of honorably discharged members of the
21 Armed Forces of the United States or any of their auxiliaries.
22 Products or services that may be discussed at this event are not
23 necessarily endorsed by those organizations. You may qualify for
24 benefits other than or in addition to the benefits discussed at
25 this event.".

26 **(4)** ~~(3)~~—All of the following apply to the disclosure required
27 under subsection ~~(2)~~ **(3)** :

28 (a) The disclosure must be in the same type size and font as
29 the term "veteran" or any variation of that term as used in the

1 event advertisement or promotional materials.

2 (b) The disclosure must be disseminated, both orally and in
3 writing, at the beginning of any event, presentation, seminar,
4 workshop, or other public gathering regarding veterans' benefits or
5 entitlements.

6 (c) The disclosure does not apply if the United States
7 Department of Veterans Affairs, the department of military and
8 veterans affairs, the Michigan veterans affairs agency, or any
9 other congressionally chartered or recognized organization of
10 honorably discharged members of the Armed Forces of the United
11 States or any of their auxiliaries have granted written permission
12 to the advertiser or promoter for the use of its name, symbol, or
13 insignia to advertise or promote events, presentations, seminars,
14 workshops, or other public gatherings described in this subsection.
15 The disclosure also does not apply if the event, presentation,
16 seminar, workshop, or gathering is part of an accredited continuing
17 legal education course.

18 **(5)** ~~(4)~~—This section does not apply to officers, employees, or
19 volunteers of this state, of any county, city, or other political
20 subdivision of this state, or of a federal agency of the United
21 States, who are acting in their official capacity.

22 **(6)** ~~(5)~~—As used in this section:

23 (a) "Compensation" means money, property, or anything else of
24 value, including, but not limited to, exclusive arrangements or
25 agreements for the provision of services or the purchase of
26 products.

27 **(b) Except as otherwise provided in subsection (2), "person"**
28 **means any individual, corporation, trust, partnership, incorporated**
29 **or unincorporated association, or any other legal entity.**

1 (c) ~~(b)~~ "Recognized veterans' services organization" means a
2 veterans' services organization that is recognized under the
3 federal laws and regulations applicable to the administration of
4 veterans' benefits.

5 (d) ~~(c)~~ "Veterans' benefit service" means any of the
6 following:

7 (i) The preparation, presentation, or prosecution of a claim
8 affecting an individual who has filed or has expressed an intention
9 to file an application for veteran, dependent, ~~or~~ survivor pension,
10 ~~or~~ medical, **or disability** benefits under laws administered by the
11 United States Department of Veterans Affairs or the department of
12 military and veterans affairs pertaining to veterans, dependents,
13 and survivors.

14 (ii) Advice or representation concerning the preparation,
15 presentation, or prosecution of a claim described in subparagraph
16 (i) .