

Senate Study Bill 1139 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act requiring certain disclosures related to veterans'
2 benefit services, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 546B.2, Code 2019, is amended to read as
2 follows:

3 **546B.2 Advertising or promotion disclosures.**

4 1. A person who advertises or promotes any event,
5 presentation, seminar, workshop, or other public gathering
6 regarding veterans' benefits or entitlements shall include a
7 disclosure as provided in ~~this section~~ subsection 2 and must
8 disseminate the disclosure, both orally and in writing, at the
9 beginning of the event, presentation, seminar, workshop, or
10 other public gathering. The written disclosure must be in the
11 same type size and font as the term "veteran" or any variation
12 of that term as used in the advertisement or promotional
13 materials for the event, presentation, seminar, workshop, or
14 public gathering.

15 2. The disclosure required by ~~this section~~ subsection 1
16 shall be in the following form:

17 This event is not sponsored by, or affiliated with, the
18 United States Department of Veterans Affairs, the Iowa
19 Department of Veterans Affairs, or any other congressionally
20 chartered or recognized organization of honorably discharged
21 members of the Armed Forces of the United States or any
22 of their auxiliaries. Products or services that may be
23 discussed at this event are not necessarily endorsed by those
24 organizations. You may qualify for benefits other than or in
25 addition to the benefits discussed at this event.

26 3. The requirement to provide a disclosure as provided in
27 ~~this section~~ subsection 1 shall not apply under any of the
28 following circumstances:

29 a. The United States department of veterans affairs,
30 the Iowa department of veterans affairs, or any other
31 congressionally chartered or recognized organization of
32 honorably discharged members of the armed forces of the
33 United States or any of their auxiliaries have granted written
34 permission to the person for the use of its name, symbol,
35 or insignia to advertise or promote any event, presentation,

1 seminar, workshop, or other public gathering regarding
2 veterans' benefits or entitlements.

3 b. The event, presentation, seminar, workshop, or public
4 gathering is part of an accredited continuing legal education
5 course.

6 4. A person advertising or promoting services to represent
7 or assist veterans in any veterans' benefit matter, including
8 any services related to a veteran's application for veteran's
9 disability benefits, shall include a disclosure, as provided in
10 subsection 5, in all advertisements and promotional materials,
11 including online advertisements, in the same type size and font
12 as the term "veteran" or any variation of that term is used in
13 the advertisement or promotion.

14 5. The disclosure required by subsection 4 shall be in the
15 following form:

16 No compensation may be received by any person advising or
17 assisting another person with a veterans' benefit matter except
18 as allowed under Title 38 of the United States Code. Veterans'
19 benefit services are offered at no cost by federally chartered
20 veteran service organizations and Iowa county veteran service
21 officers. The services being offered are not provided by
22 or affiliated with the United States department of veterans
23 affairs, the Iowa department of veterans affairs, or any other
24 government agency or recognized veterans services organization.
25 You may qualify for benefits other than or in addition to
26 benefits obtained by the services offered.

27

EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill requires certain disclosures related to veterans'
31 benefit services.

32 The bill provides that a person advertising services to
33 represent or assist veterans in any veterans' benefit matter
34 must include a disclosure in all advertisements and promotional
35 materials. The required disclosure states that no compensation

1 may be received by any person advising or assisting another
2 person with a veterans' benefit matter except as allowed by
3 federal law; that veterans' benefit services are offered at no
4 cost by federally chartered veteran service organizations and
5 the Iowa county veteran service officers; that the services
6 being offered are not provided by or affiliated with the United
7 States department of veterans affairs, the Iowa department of
8 veterans affairs, or any other government agency or recognized
9 veterans services organization; and that the veteran may
10 qualify for benefits other than or in addition to benefits
11 obtained by the services to be provided.

12 A person who fails to include the required disclosure when
13 advertising services to represent or assist veterans in any
14 veterans' benefit matter violates the consumer fraud provisions
15 of Code section 714.16(2)(a) relating to unfair, fraudulent, or
16 deceptive practices and any civil penalty recovered shall be
17 deposited in the veterans trust fund created in Code section
18 35A.13. Current law provides that a person who receives
19 compensation for advising or assisting another person with a
20 veterans' benefit matter, except as permitted under Title 38
21 of the United States Code, also commits a violation of Code
22 section 714.16(2)(a).

23 Pursuant to Code section 714.16, the attorney general may
24 investigate, issue subpoenas, and commence civil proceedings
25 seeking restraining orders or injunctions prohibiting persons
26 from engaging in unlawful practices or seeking termination
27 of the business affairs of a person engaging in unlawful
28 practices. In addition, a civil penalty of up to \$40,000 per
29 violation may be imposed by a court against a person found to
30 have committed an unlawful practice.