

ASSEMBLY BILL NO. 316—ASSEMBLYMEN O’NEILL, WHEELER,  
DICKMAN, LEAVITT, HARDY; ANDERSON, HAFEN,  
KASAMA, KRASNER, MCARTHUR, PETERS, ROBERTS,  
THOMAS AND TITUS

MARCH 17, 2021

JOINT SPONSORS: SENATORS BUCK AND SETTELMAYER

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to veterans’ benefits.  
(BDR 37-949)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to veterans; requiring the disclosure of certain  
information concerning certain events and services  
relating to benefits or entitlements for veterans; creating a  
cause of action for certain violations of such  
requirements; providing a civil penalty; and providing  
other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing federal regulations provide for the regulation of representatives,  
agents, attorneys and other individuals who represent persons for claims relating to  
veterans’ benefits. (38 C.F.R. §§ 14.626 et seq.) **Section 2** of this bill requires any  
person who advertises or promotes any event or other public gathering or services  
relating to benefits or entitlements for veterans, with certain exceptions, to disclose  
certain information, including that: (1) the event or services provided are not  
associated with the United States Department of Veterans Affairs, the Department  
of Veterans Services or certain organizations for veterans; and (2) the veteran may  
qualify for benefits other than those discussed or advertised. **Section 3** of this bill  
requires a person who provides services to obtain benefits or entitlements for  
veterans to provide a written disclosure before entering into an agreement with a  
client for the provision of those services. **Section 3** requires the Department of  
Veterans Services to prescribe the form for the written disclosure. **Section 4** of this  
bill authorizes the Attorney General to collect a civil penalty of not more than  
\$1,000 for each violation of **section 2 or 3**.



Existing law authorizes any person who is a victim of consumer fraud to bring a civil action. (NRS 41.600) **Section 5** of this bill provides that a violation of **section 2 or 3** constitutes consumer fraud, and **sections 4 and 5** authorize a victim of such a violation to bring a civil action.

---

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 417 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. 1.** *Any person who advertises or promotes any event or other public gathering relating to benefits or entitlements for veterans shall, at the beginning of the event or other public gathering, make an oral announcement and provide to each attendee a written disclosure. The oral announcement and written disclosure must be in the following form:*

*This event is not sponsored by, or affiliated with, the United States Department of Veterans Affairs, the Nevada Department of Veterans Services or any congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States. Products or services that may be discussed at this event are not necessarily endorsed by those organizations. You may qualify for benefits other than or in addition to the benefits discussed at this event.*

**2.** *Any person who advertises or promotes services to represent or assist veterans in matters relating to benefits or entitlements for veterans, shall provide a disclosure on all materials used to advertise or promote those services in the following form:*

*No compensation may be received by any person advising or assisting another person with a matter relating to veterans' benefits except as authorized under Title 38 of the United States Code. Veterans' benefit services are offered at no cost by federally chartered veteran service organizations and accredited veteran service officers. The services being offered are not provided by or affiliated with the United States Department of Veterans Affairs or any other governmental agency or recognized veterans services organization. You may qualify for benefits other than or in addition to benefits obtained by the services offered.*



3. Any written disclosure made pursuant to this section must be conspicuous and appear in the same type face and font as the largest use of the term "veteran" or any similar term that appears in the advertising or promotional material containing the written disclosure.

4. The requirements of this section do not apply to:

(a) Any congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States or any affiliate of such an organization;

(b) Any person who has obtained written permission from the United States Department of Veterans Affairs, the Department of Veterans Services or any other organization described in paragraph (a) to use the name, symbol or insignia of the agency or organization to promote any event or other public gathering relating to benefits or entitlements for veterans;

(c) An event or other public gathering that is part of a course or program of continuing education for an attorney; or

(d) The owner or personnel of any medium in which an advertisement appears or through which an advertisement is disseminated.

5. As used in this section, "advertise" means to use any written or printed communication, directory listing or a radio, television, computer network or similar airwave or electronic transmission to solicit or promote services relating to benefits or entitlements for veterans. The terms do not include any printing or writing used on a building, uniform or badge for identification purposes or used in a memorandum or other communication in the ordinary course of business that does not solicit or promote services relating to benefits or entitlements for veterans.

**Sec. 3.** 1. Any person who provides services to obtain veterans' benefits in exchange for compensation shall provide written disclosure in the form prescribed pursuant to subsection 2 and obtain the signature from a client or prospective client before entering into an agreement for such services.

2. The Department shall prescribe the form for such written disclosure. The form must include, without limitation:

(a) A signature line;

(b) An attestation that the client has read and understands the written disclosure;

(c) The contact information for the Department; and

(d) A statement that services for veterans' benefits are offered at no cost by service organizations that are federally chartered and veterans services officers.

3. As used in this section, "services to obtain veterans' benefits" means services that a veteran or an agent of a veteran



1 *uses to obtain federal, state or other benefits or entitlements for*  
2 *veterans.*

3 **Sec. 4. 1. The Attorney General may recover a civil penalty**  
4 ***of not more than \$1,000 for each violation of section 2 or 3 of this***  
5 ***act. The Attorney General shall deposit any civil penalty recovered***  
6 ***pursuant to this section in the Gift Account for Veterans created***  
7 ***by NRS 417.115.***

8 **2. A person aggrieved by a violation of section 2 or 3 of this**  
9 ***act may bring an action for consumer fraud pursuant to***  
10 ***NRS 41.600.***

11 **Sec. 5.** NRS 41.600 is hereby amended to read as follows:

12 41.600 1. An action may be brought by any person who is a  
13 victim of consumer fraud.

14 2. As used in this section, "consumer fraud" means:

15 (a) An unlawful act as defined in NRS 119.330;

16 (b) An unlawful act as defined in NRS 205.2747;

17 (c) An act prohibited by NRS 482.36655 to 482.36667,  
18 inclusive;

19 (d) An act prohibited by NRS 482.351; ~~for~~

20 (e) A deceptive trade practice as defined in NRS 598.0915 to  
21 598.0925, inclusive ~~for~~; ***or***

22 ***(f) A violation of section 2 or 3 of this act.***

23 3. If the claimant is the prevailing party, the court shall award  
24 the claimant:

25 (a) Any damages that the claimant has sustained;

26 (b) Any equitable relief that the court deems appropriate; and

27 (c) The claimant's costs in the action and reasonable attorney's  
28 fees.

29 4. Any action brought pursuant to this section is not an action  
30 upon any contract underlying the original transaction.

31 **Sec. 6. 1. This section becomes effective upon passage and**  
32 **approval.**

33 2. Sections 1 to 5, inclusive, of this act become effective:

34 (a) Upon passage and approval for the purpose of adopting any  
35 regulations and performing any other preparatory administrative  
36 tasks that are necessary to carry out the provisions of this act; and

37 (b) On January 1, 2022, for all other purposes.

