

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.

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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 or the
Department of Veterans Services; 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, other than an
attorney or agent who is accredited to provide certain assistance to 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 \$10,000 for each
violation of **section 2 or 3**.



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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. *Except as otherwise provided in subsection 4, 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 or the Nevada Department of Veterans Services. You may qualify for benefits other than or in addition to the benefits discussed at this event.

2. *Except as otherwise provided in subsection 4, 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.

3. *Any written disclosure made pursuant to this section must be conspicuous, appear in 10-point font or larger and appear in the same type face 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:*



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(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;

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

(e) An entity that is recognized as exempt under section 501(c)(3) or 501(c)(19) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3) or 26 U.S.C. § 501(c)(19); or

(f) An attorney or agent who is accredited by the United States Department of Veterans Affairs to assist veterans with filing claims for benefits and related matters.

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. Except as otherwise provided in subsection 3, 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.



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3. *The requirements of this section do not apply to an attorney or agent who is accredited by the United States Department of Veterans Affairs to assist veterans with filing claims for benefits and related matters.*

4. *As used in this section, "services to obtain veterans' benefits" means services that a veteran or an agent of a veteran uses to obtain federal, state or other benefits or entitlements for veterans.*

Sec. 4. 1. *The Attorney General may recover a civil penalty of not more than \$10,000 for each violation of section 2 or 3 of this act. The Attorney General shall deposit any civil penalty recovered pursuant to this section in the Gift Account for Veterans created by NRS 417.115.*

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

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

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

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

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

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

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

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

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

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

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

(a) Any damages that the claimant has sustained;

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

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

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

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

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

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

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

