

or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

CHAPTER 60.

SAFEGUARDING AMERICAN VETERAN EMPOWERMENT ACT.

§ 59.1-614. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Compensation" means the payment of any money, thing of value, or economic benefit in return for services rendered.

"Person" means the same as that term is defined in § 59.1-198.

"Veterans' benefits matter" means the preparation, presentation, or prosecution of any claim affecting any individual who has filed or expressed an intent to file a claim for any benefit, program, service, commodity, function, or status that is offered under the laws and regulations administered by the U.S. Department of Veterans Affairs or the Department of Veterans Services pertaining to veterans, their dependents, their survivors, and any other individual eligible for such benefits.

§ 59.1-615. Prohibited practices; required disclosure.

A. No person shall receive compensation for referring any individual to another person to prepare, present, prosecute, advise, consult, or assist such individual regarding any veterans' benefits matter.

B. No person shall receive compensation for any services rendered in connection to a veterans' benefits matter involving a claim filed within one year of a veteran's release from active duty unless such veteran signs a waiver stating that the veteran opts to deny the free services available during such one-year period.

C. A person seeking to receive compensation for preparing, presenting, prosecuting, advising, consulting, or assisting any individual regarding any veterans' benefits matter shall, before rendering any services, memorialize the specific terms by which the compensation amount will be determined in a written agreement signed by both parties. Such compensation shall be contingent on an increase in benefits awarded, and if such increase occurs, such compensation shall not exceed five times the amount of the monthly increase in benefits awarded based on the claim. In the event that an award of benefits is reversed, such person shall refund any compensation collected from the veteran, except that this requirement shall not apply to decisions to lower benefits based on improving functionality. No such person shall charge any initial or nonrefundable fee for the purpose of rendering any such services.

D. No person shall guarantee, directly or by implication, a successful outcome or that any individual is certain to receive a particular outcome regarding any veterans' benefits matter.

E. Any person preparing, presenting, prosecuting, advising, consulting, or assisting any individual regarding any veterans' benefits matter for compensation shall provide the following written disclosure at the outset of the business relationship:

"This business is not sponsored by, or affiliated with, the U.S. Department of Veterans Affairs, the Department of Veterans Services, or any other federally chartered veterans service organization. Other organizations, including the Department of Veterans Services, a local veterans service organization, or other federally chartered veterans service organizations, may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits for which you are receiving services here."

Such written disclosure shall appear in at least 12-point font in a conspicuous place in the person's agreement with the individual seeking services. The individual shall sign such written disclosure to verify receipt and understanding of its contents. The person offering services shall retain a copy of the signed written disclosure until at least one year after such services end.

F. No person preparing, presenting, prosecuting, advising, consulting, or assisting any individual regarding any veterans' benefits matter for compensation shall:

1. Utilize international call centers to process veterans' personal information;
2. Use a veteran's personal login, username, or password information to access such veteran's medical, financial, or government benefits information; or
3. Permit any individual to access a veteran's medical or financial information without undergoing a background check conducted by a reputable source, including identity verification and a criminal records check.

G. Nothing in this chapter shall be construed to apply to, limit, or expand the requirements imposed on agents, attorneys, or other representatives accredited and regulated by the U.S. Department of Veterans Affairs.

§ 59.1-616. Enforcement; penalties.

Any violation of this chapter shall constitute a prohibited practice under the provisions of § 59.1-200 and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).