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## HOUSE REPUBLICAN STAFF ANALYSIS

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Bill: Senate File 399  
Committee: Veterans Affairs  
Date: March 21st, 2011  
Staff: Jill Jennings (1-3440)

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### **Advertising of Veterans Benefits –Appeal Services by Requiring Certain Disclosures and Including a Civil Penalty**

Requires that a person advertising veterans benefits appeal services disclose in the advertisement that the same services are also available through county commission of veteran affairs offices free of charge. Incorporates definitions for advertising, veteran, and veteran’s benefits appeal services and gives a civil penalty of up to \$1,000 for each violation. The civil penalty will be assessed by the district court in an action initiated by the attorney general and each day of a continuing violation be counted as a separate violation. The AG’s office is given the discretion to accept a civil penalty in settlement of an investigation. \*Requires that any civil penalty recovered must be deposited in the veteran’s trust fund.

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### **Summary of Action**

The committee of Veterans Affairs passed SF 399 on March 21, 2011, unanimously

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### **Section by Section Analysis**

#### **Section 1 –**

##### **(a.)Advertising or advertisement means any of the following:**

- Any written or printed communication made for the purpose of soliciting, describing, or promoting veterans benefits appeal services, including but not limited to a brochure, letter, pamphlet, newspaper, telephone listing, periodical, or other writing.
- Any directory listing caused or permitted by a person to be made available which indicates that veterans benefits appeal services are being offered.
- Any radio, television, computer network, or similar airwave or electronic transmission which solicits or promotes a person offering veterans benefits appeal services.

(b.)“Advertising” or “advertisement” does not include any of the following:

- Any printing or writing used on buildings, uniforms, or badges, where the purpose of the writing is for identification.
- Any printing or writing in a memorandum or other communication used in the ordinary course of business where the sole purpose of the writing is other than the solicitation or promotion of veterans benefits appeal services

2.”Veteran” defined in section 35.1. 25 3.

3.“Veterans benefits appeal services”- means services which a veteran might reasonably require in order to appeal a denial of federal or state veterans benefits, including but not limited to denials of disability, limited-income, home loan, insurance, education and training, burial and memorial, and dependent and survivor benefits.

## **Section 2-**

### **Advertising disclosure requirements**

A person advertising services to represent or assist veterans in appealing a denial of veterans benefits shall conspicuously disclose in the advertisement, in similar type size or voice-over, that appeal services are also offered at no cost by county commission of veteran affairs offices

A person who fails to comply with the provisions of this section is subject to a civil penalty not to exceed \$1,000 for each violation. Civil penalties shall be assessed by the district court in an action initiated by the attorney general. For the purposes of computing the amount of each civil penalty, each day of a continuing violation constitutes a separate violation. Additionally, the AG may accept a civil penalty as determined by the AG in settlement of an investigation of a violation of this section regardless of whether an action has been filed pursuant to this section.

*\*Any civil penalty recovered shall be deposited in the veterans trust fund created in section 35A.13*

## **Section 3-**

### **Nonapplicability**

This chapter shall not apply to the owner or personnel of any medium in which an advertisement appears or through which an advertisement is disseminated