



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3865

Introduced 2/22/2021, by Rep. Mark L. Walker

SYNOPSIS AS INTRODUCED:

20 ILCS 2805/2

from Ch. 126 1/2, par. 67

20 ILCS 2805/39 new

Amends the Department of Veterans' Affairs Act. Provides that a person or company advertising veterans' benefits appeal services must conspicuously disclose in the advertisement that such services are also offered at no cost by county veterans service officers. Provides that a person who provides veterans' benefits services in exchange for compensation shall (i) provide a written disclosure statement to each client or prospective client and (ii) obtain the client's signature on a written disclosure statement containing an attestation by the client that the client has read and understands the written disclosure statement. Directs the Department of Veterans' Affairs to investigate alleged violations and to submit the results of any investigation to the Office of the Attorney General if the Department concludes that a violation has occurred. Provides that if, upon review, the Attorney General decides to file a complaint, the Attorney General must do so within 90 days of receiving the results of the Department's investigation. Imposes a civil penalty not to exceed \$1,000 for each violation of the amendatory Act.

LRB102 17007 KTG 22429 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning veterans.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Veterans' Affairs Act is
5 amended by changing Section 2 and by adding Section 39 as
6 follows:

7 (20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

8 Sec. 2. Powers and duties. The Department shall have the
9 following powers and duties:

10 To perform such acts at the request of any veteran, or his
11 or her spouse, surviving spouse or dependents as shall be
12 reasonably necessary or reasonably incident to obtaining or
13 endeavoring to obtain for the requester any advantage, benefit
14 or emolument accruing or due to such person under any law of
15 the United States, the State of Illinois or any other state or
16 governmental agency by reason of the service of such veteran,
17 and in pursuance thereof shall:

18 (1) Contact veterans, their survivors and dependents
19 and advise them of the benefits of state and federal laws
20 and assist them in obtaining such benefits;

21 (2) Establish field offices and direct the activities
22 of the personnel assigned to such offices;

23 (3) Create and maintain a volunteer field force; the

1 volunteer field force may include representatives from the
2 following without limitation: educational institutions,
3 labor organizations, veterans organizations, employers,
4 churches, and farm organizations; the volunteer field
5 force may not process federal veterans assistance claims;

6 (4) Conduct informational and training services;

7 (5) Conduct educational programs through newspapers,
8 periodicals, social media, television, and radio for the
9 specific purpose of disseminating information affecting
10 veterans and their dependents;

11 (6) Coordinate the services and activities of all
12 state departments having services and resources affecting
13 veterans and their dependents;

14 (7) Encourage and assist in the coordination of
15 agencies within counties giving service to veterans and
16 their dependents;

17 (8) Cooperate with veterans organizations and other
18 governmental agencies;

19 (9) Make, alter, amend and promulgate reasonable rules
20 and procedures for the administration of this Act;

21 (10) Make and publish annual reports to the Governor
22 regarding the administration and general operation of the
23 Department;

24 (11) (Blank);

25 (12) (Blank); ~~and~~

26 (13) Provide informational resources and education to

1 veterans returning from deployment regarding service
2 animals for individuals with disabilities, including, but
3 not limited to, resources and education on service animals
4 that guide people who are blind, pull a wheelchair, alert
5 a person with hearing loss, protect a person having a
6 seizure, assist a person with a traumatic brain injury,
7 and calm a person with post-traumatic stress disorder
8 during an anxiety attack or psychiatric episode; and -

9 (14) Conduct investigations as provided in subsection
10 (d) of Section 39.

11 The Department may accept and hold on behalf of the State,
12 if for the public interest, a grant, gift, devise or bequest of
13 money or property to the Department made for the general
14 benefit of Illinois veterans, including the conduct of
15 informational and training services by the Department and
16 other authorized purposes of the Department. The Department
17 shall cause each grant, gift, devise or bequest to be kept as a
18 distinct fund and shall invest such funds in the manner
19 provided by the Public Funds Investment Act, as now or
20 hereafter amended, and shall make such reports as may be
21 required by the Comptroller concerning what funds are so held
22 and the manner in which such funds are invested. The
23 Department may make grants from these funds for the general
24 benefit of Illinois veterans. Grants from these funds, except
25 for the funds established under Sections 2.01a and 2.03, shall
26 be subject to appropriation.

1 The Department has the power to make grants, from funds
2 appropriated from the Illinois Military Family Relief Fund,
3 for benefits authorized under the Survivors Compensation Act.
4 (Source: P.A. 99-314, eff. 8-7-15; 99-576, eff. 7-15-16;
5 100-84, eff. 1-1-18.)

6 (20 ILCS 2805/39 new)

7 Sec. 39. Private veterans benefits services disclosure.

8 (a) As used in this Section:

9 "Advertising" or "advertisement" means:

10 (i) any written or printed communication made for the
11 purpose of soliciting business for veterans' benefits
12 appeal services, including, but not limited to, a
13 brochure, letter, pamphlet, newspaper, telephone listing,
14 periodical, or other writing;

15 (ii) any directory listing caused or permitted by a
16 person or company and made available by that person or
17 company indicating that veterans' benefits appeal services
18 are being offered; or

19 (iii) any radio, television, computer network, or
20 similar airwave or electronic transmission that solicits
21 business for or promotes a person offering veterans'
22 benefits appeal services.

23 "Advertising" or "advertisement" does not include:

24 (A) any printing or writing used on buildings,
25 uniforms, or badges, where the purpose of the writing is

1 for identification; or

2 (B) any printing or writing in a memorandum or other
3 communication used in the ordinary course of business,
4 where the sole purpose of the writing is other than
5 soliciting business for veterans' benefits appeal
6 services.

7 "Veterans' benefits appeal services" means services that a
8 veteran might reasonably require in order to appeal a denial
9 of federal or State veterans' benefits, including, but not
10 limited to, denials of disability, limited income, home loans,
11 insurance, education and training, burial and memorial, and
12 dependent and survivor benefits.

13 "Veterans' benefits services" means services that a
14 veteran or a family member of a veteran might reasonably use in
15 order to obtain federal, State, or county veterans benefits.

16 "Written disclosure statement" means the written
17 disclosure statement developed by the Illinois Department of
18 Veterans' Affairs.

19 (b) A person or entity advertising veterans' benefits
20 appeal services in exchange for compensation must
21 conspicuously disclose in the advertisement, in similar type
22 size or voice-over, that veterans' benefits appeal services
23 are also offered at no cost by county veterans service
24 officers and the Department.

25 (c) A person or entity that provides veterans' benefits
26 services in exchange for compensation shall provide a written

1 disclosure statement to each client or prospective client.
2 Before a person or entity enters into an agreement to provide
3 veterans' benefits services or accepts money or any other
4 thing of value for the provision of such services, the person
5 or entity shall obtain the signature of the client on a written
6 disclosure statement containing an attestation by the client
7 that the client has read and understands the written
8 disclosure statement.

9 (d) Within 60 days of knowledge of a possible violation of
10 this Section, the Department, in its discretion, may
11 investigate possible violations of this Section through its
12 Field Services Division. The investigation shall be finalized
13 within 90 days of the start of the investigation. The
14 Department may extend the investigation for another 30 days if
15 good cause exists that prevents the completion of the
16 investigation within the 90-day time period. If, after an
17 investigation the Department concludes that a violation more
18 than likely occurred, the Department shall submit the results
19 of its investigation to the Office of the Attorney General.
20 If, upon review, the Attorney General decides to file a
21 complaint, the Attorney General must do so within 90 days of
22 receiving the results of the Department's investigation.

23 (e) A person or entity that fails to comply with this
24 Section is subject to a civil penalty not to exceed \$1,000 for
25 each violation. Civil penalties shall be assessed by the
26 circuit court in an action initiated by the Attorney General.

1 For the purposes of calculating the amount of each civil
2 penalty, each day of a continuing violation constitutes a
3 separate violation. The calculation of each civil penalty
4 shall begin from the date upon which the Attorney General
5 files the complaint and shall be imposed by the circuit court
6 after a finding that a violation or violations occurred by a
7 preponderance of the evidence. The Attorney General may settle
8 violations of this Section within the penalty limits specified
9 if an investigation substantiates a violation or violations by
10 a preponderance of the evidence. Any civil penalty recovered
11 shall be used, subject to appropriation, for the Department's
12 operating expenses.

13 (f) This Section does not apply to the owner or personnel
14 of any medium in which an advertisement appears or through
15 which an advertisement is disseminated.