

SUBSTITUTE FOR  
HOUSE BILL NO. 5015

A bill to amend 1976 PA 331, entitled  
"Michigan consumer protection act,"  
(MCL 445.901 to 445.922) by adding section 3/.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 3/. (1) AN INDIVIDUAL WHO IS ENGAGED IN TRADE OR COMMERCE  
2 SHALL NOT DO ANY OF THE FOLLOWING IN CONNECTION WITH PROVIDING OR  
3 OFFERING TO PROVIDE A VETERANS' BENEFIT SERVICE TO A VETERAN OR A  
4 FAMILY MEMBER OF A VETERAN:

5           (A) WHEN MEETING WITH THE VETERAN OR FAMILY MEMBER, FAIL TO  
6 PROVIDE WRITTEN NOTICE TO THE VETERAN OR FAMILY MEMBER OF ALL OF  
7 THE FOLLOWING:

8           (i) THAT THE INDIVIDUAL IS NOT AFFILIATED WITH A VETERANS'  
9 AGENCY OR ORGANIZATION.

10           (ii) THAT THE VETERANS' BENEFIT SERVICE IS AVAILABLE FREE OF

1 CHARGE FROM A VETERANS' AGENCY OR ORGANIZATION, IF APPLICABLE.

2 (iii) THAT THE VETERAN MAY QUALIFY FOR BENEFITS OTHER THAN OR  
3 IN ADDITION TO THE BENEFITS THE VETERAN OR FAMILY MEMBER MAY OBTAIN  
4 IF THE INDIVIDUAL IS ENGAGED TO PROVIDE THE VETERANS' BENEFIT  
5 SERVICE.

6 (iv) THAT RECEIPT OF A CERTAIN LEVEL OF VETERANS BENEFITS IS  
7 NOT GUARANTEED IF THE INDIVIDUAL IS ENGAGED TO PROVIDE THE  
8 VETERANS' BENEFIT SERVICE.

9 (B) WHEN MEETING WITH THE VETERAN OR FAMILY MEMBER, FAIL TO  
10 VERBALLY REVIEW THE WRITTEN NOTICE REQUIRED UNDER SUBDIVISION (A)  
11 WITH THE VETERAN OR FAMILY MEMBER.

12 (2) ALL OF THE FOLLOWING APPLY TO THE NOTICE REQUIRED UNDER  
13 SUBSECTION (1):

14 (A) THE WRITTEN NOTICE MUST BE IN THE SAME TYPE SIZE AND FONT  
15 AS THE TERM "VETERAN" OR ANY VARIATION OF THAT TERM USED BY THE  
16 INDIVIDUAL IN ANY ADVERTISEMENT OR PROMOTIONAL MATERIALS PUBLISHED  
17 BY THE INDIVIDUAL IN CONNECTION WITH HIS OR HER BUSINESS.

18 (B) THE INDIVIDUAL MUST PROVIDE THE WRITTEN AND VERBAL NOTICE  
19 AT THE BEGINNING OF THE MEETING WITH THE VETERAN OR FAMILY MEMBER  
20 OF A VETERAN AND MAY REQUEST THAT THE VETERAN OR FAMILY MEMBER SIGN  
21 A FORM ACKNOWLEDGING THAT HE OR SHE RECEIVED AND UNDERSTANDS THE  
22 CONTENTS OF THE NOTICE.

23 (3) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

24 (A) AN INDIVIDUAL WHO IS AN OFFICER, EMPLOYEE, OR VOLUNTEER OF  
25 THIS STATE, OF ANY COUNTY, CITY, OR OTHER POLITICAL SUBDIVISION OF  
26 THIS STATE, OR OF A FEDERAL AGENCY OF THE UNITED STATES AND IS  
27 ACTING IN HIS OR HER OFFICIAL CAPACITY.

1 (B) AN INDIVIDUAL WHO HAS WRITTEN PERMISSION FROM A VETERANS'  
2 AGENCY OR ORGANIZATION TO PROVIDE OR OFFER TO PROVIDE THE VETERANS'  
3 BENEFIT SERVICE ON ITS BEHALF AND PRESENTS THAT WRITTEN PERMISSION  
4 TO THE VETERAN OR FAMILY MEMBER WHEN HE OR SHE MEETS WITH A VETERAN  
5 OR FAMILY MEMBER OF A VETERAN TO DISCUSS THE VETERANS' BENEFIT  
6 SERVICE.

7 (4) AS USED IN THIS SECTION:

8 (A) "VETERANS' AGENCY OR ORGANIZATION" MEANS THE UNITED STATES  
9 DEPARTMENT OF VETERANS AFFAIRS, THE DEPARTMENT OF MILITARY AND  
10 VETERANS AFFAIRS, THE MICHIGAN VETERANS AFFAIRS AGENCY, OR ANY  
11 OTHER CONGRESSIONALLY CHARTERED OR RECOGNIZED ORGANIZATION OF  
12 HONORABLY DISCHARGED MEMBERS OF THE ARMED FORCES OF THE UNITED  
13 STATES OR AUXILIARY OF THAT ORGANIZATION.

14 (B) "VETERANS' BENEFIT SERVICE" MEANS ANY OF THE FOLLOWING:

15 (i) THE PREPARATION, PRESENTATION, OR PROSECUTION OF A CLAIM  
16 AFFECTING AN INDIVIDUAL WHO HAS FILED OR HAS EXPRESSED AN INTENTION  
17 TO FILE AN APPLICATION FOR VETERAN, DEPENDENT, OR SURVIVOR PENSION  
18 OR MEDICAL BENEFITS UNDER LAWS ADMINISTERED BY THE UNITED STATES  
19 DEPARTMENT OF VETERANS AFFAIRS OR THE DEPARTMENT OF MILITARY AND  
20 VETERANS AFFAIRS PERTAINING TO VETERANS, DEPENDENTS, AND SURVIVORS.

21 (ii) ADVICE OR REPRESENTATION CONCERNING THE PREPARATION,  
22 PRESENTATION, OR PROSECUTION OF A CLAIM DESCRIBED IN SUBPARAGRAPH  
23 (i).

24 Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.

26 Enacting section 2. This amendatory act does not take effect  
27 unless House Bill No. 4918 of the 99th Legislature is enacted into

1 law.