



2025 South Dakota Legislature

House Bill 1076

Introduced by: **Representative Reder**

1 **An Act to modify provisions pertaining to unethical conduct and improper collection**
2 **of fees relating to assistance or referrals in a veterans benefits matter.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That a NEW SECTION be added to chapter 33A-2:**

5 Except as permitted under federal law, a person may not receive any money, thing
6 of value, or financial benefit for preparing, presenting, prosecuting, advising, consulting,
7 or assisting any individual with regard to a veterans benefits matter before the United
8 States Department of Veterans Affairs, the United States Department of Defense, or the
9 South Dakota Department of Veterans Affairs.

10 A person may not receive any money, thing of value, or financial benefit for
11 referring any individual to another person to prepare, present, prosecute, advise, consult,
12 or assist regarding any veterans benefits matter before the United States Department of
13 Veterans Affairs, the United States Department of Defense, or the South Dakota
14 Department of Veterans Affairs.

15 Nothing in this section may be construed to prohibit a division of fees between
16 attorneys, which is otherwise proper under the laws of this state and the South Dakota
17 Rules of Professional Conduct.

18 A violation of this section is a deceptive trade practice under chapter 37-24.

19 For the purposes of this Act, "veterans benefits matter" means any claim affecting
20 any person who has filed, or expressed an intent to file, a claim for any benefit, program,
21 service, commodity, function, or status, to which entitlement is determined under the laws
22 and regulations administered by the United States Department of Veterans Affairs, the
23 United States Department of Defense, or the South Dakota Department of Veterans
24 Affairs, and pertaining to a veteran, the dependent or survivor of a veteran, or any other
25 individual eligible for a benefit, program, service, commodity, function, or status.

26 **Section 2. That a NEW SECTION be added to chapter 33A-2:**

1 Any person who receives any money, thing of value, or financial benefit for
2 preparing, presenting, prosecuting, advising, consulting, or assisting any individual with
3 regard to a veterans benefits matter before the United States Department of Veterans
4 Affairs, the United States Department of Defense, or the South Dakota Department of
5 Veterans Affairs must be held to the same ethical standard as an attorney is held to in the
6 South Dakota Rules of Professional Conduct regarding the following areas:

7 (1) Advertising;

8 (2) Solicitation of new clients;

9 (3) Confidentiality;

10 (4) Duty of care;

11 (5) Duty of honesty; and

12 (6) Duty to zealously pursue what is in the best interest of the client.