

As Introduced

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Representative Willis

Cosponsors: Representatives Johnson, Deeter, Brennan, Troy, Ritter, Workman, Mathews, T., Demetriou, Newman, Klopfenstein, Lorenz, Hall, T., Thomas, D., Fischer, Click, Hiner, Lear, King, Creech, Daniels, Plummer, Salvo

To amend section 1345.032 and to enact section 1
5901.10 of the Revised Code to govern the 2
practice of providing veterans claim consulting 3
assistance for compensation and to establish 4
requirements for soliciting a fee for providing 5
a copy of a military discharge record. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1345.032 be amended and section 7
5901.10 of the Revised Code be enacted to read as follows: 8

Sec. 1345.032. (A) As used in this section: 9

(1) "Deed" means a written instrument entitled to be 10
recorded in the office of the county recorder of the county in 11
which the subject property is situated that purports to convey 12
or transfer title in fee simple of real property in this state. 13
"Deed" includes a leasehold interest for ninety-nine years or 14
more. "Deed" does not include instruments providing for any of 15
the following: 16

(a) Common driveways; 17

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| (b) Exchanges of easements or rights-of-way; | 18 |
| (c) Revocable licenses to use, adjust, or clear defects of or clouds on title; | 19 20 |
| (d) Utility service lines such as drainage, sewerage, water, electric, telephone, or other such service lines; | 21 22 |
| (e) Quitclaim of possible outstanding interests. | 23 |
| (2) <u>"Military discharge record"</u> means a <u>United States</u> <u>department of defense certificate of release or discharge from</u> <u>active duty, form DD-214, and any other discharge document</u> <u>issued by the United States department of defense.</u> | 24 25 26 27 |
| (3) <u>"Public body"</u> means any township, county, municipal corporation, commission, district, authority, other subdivision, or public body of this state. | 28 29 30 |
| (3) <u>"Solicit"</u> means to advertise or market to a person with whom the solicitor has no pre-existing business relationship. | 31 32 33 |
| (B) (1) A supplier soliciting a fee for providing a copy of a deed or a free copy of a deed in connection with the solicitation for any other service or product shall state on the top of the document used for the solicitation, in at least twenty-four-point type, all of the following: | 34 35 36 37 38 |
| (a) That the solicitation is not from a public body; | 39 |
| (b) That no action is legally required by the person being solicited; | 40 41 |
| (c) The statutory fee for, or the cost of, obtaining a copy of the deed from the county recorder who has custody of the deed; | 42 43 44 |

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| (d) The information necessary to contact that county recorder; | 45 46 |
| (e) The name and physical address of the person soliciting the fee. | 47 48 |
| (2) <u>A supplier who solicits a fee for providing a copy of a military discharge record, or a free copy of the record in connection with the solicitation for any other service, shall provide to the purchaser a written document before the collection of any fee. The document shall clearly set forth the fee for the service and shall state on the top of the document, in at least twenty-four-point type, all of the following:</u> | 49 50 51 52 53 54 55 |
| (a) <u>The solicitation is not from a public body;</u> | 56 |
| (b) <u>No action is legally required by the person being solicited;</u> | 57 58 |
| (c) <u>The military discharge record may be obtained free of charge from the national archives of the United States or from a county veterans service commission. If the military discharge record has previously been recorded with a county recorder's office, it may be obtained from that office by an authorized party under section 317.24 of the Revised Code.</u> | 59 60 61 62 63 64 |
| (d) <u>The information necessary to contact the national archives of the United States and the appropriate county veterans service commission;</u> | 65 66 67 |
| (e) <u>The name and physical address of the person soliciting the fee.</u> | 68 69 |
| (3) <u>The document used for a solicitation under this section shall not be in a form or use deadline dates or other language that makes the document appear to be a document issued</u> | 70 71 72 |

by a public body or that appears to impose a legal duty on the 73
person being solicited. 74

(3) (4) A supplier soliciting a fee for providing a copy 75
of a deed shall not charge a fee of more than four times the fee 76
charged by the county recorder for a copy of that deed pursuant 77
to section 317.32 of the Revised Code. A supplier soliciting a 78
fee for providing a copy of a military discharge record shall 79
not charge a fee in excess of five dollars per record provided. 80

(C) (1) A supplier soliciting a fee for providing a 81
copy of a deed shall furnish to the office of the county 82
recorder of each county where the solicitations are to be 83
distributed a copy of the document that will be used for those 84
solicitations not less than fifteen days before distributing the 85
solicitations. 86

(2) A supplier that solicits a fee for providing a copy of 87
a military discharge record shall furnish, to the county 88
veterans service commission and to the county recorder's office 89
of each county where the solicitation occurs, a copy of the 90
document that will be used for the solicitation not less than 91
fifteen days before distributing the solicitation. 92

(D) This section shall not apply to any of the following: 93

(1) A title insurance company authorized to do business in 94
this state or its authorized agent; 95

(2) A mortgage loan originator, mortgage broker, lender, 96
or servicer or a depository financial institution authorized 97
under state and federal law to originate or service mortgage 98
loans; 99

(3) A real estate broker or salesperson licensed under 100
Chapter 4735. of the Revised Code. 101

(E) The attorney general may adopt rules in accordance
with Chapter 119. of the Revised Code specifying the contents
and form of the solicitation document. 102
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(F) A violation of division (B) or (C) of this section
shall be considered an unconscionable consumer sales act or
practice under section 1345.03 of the Revised Code. 105
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Sec. 5901.10. (A) As used in this section: 108

"Compensation" means any money, thing of value, or
economic benefit conferred on, or received by, a person in
return for services rendered, or to be rendered, by the person
or another. 109
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"Veterans benefits matter" means the preparation,
presentation, or prosecution of any claim affecting any person
who has filed or expressed an intent to file a claim for any
benefit, program, service, commodity, function, status, or
entitlement that is determined to pertain to veterans, their
dependents, their survivors, or any other person eligible for
such benefits under the laws and regulations administered by the
United States department of veterans affairs or by the state. 113
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(B) No person shall do any of the following: 121

(1) Receive compensation for referring an individual to
another person to advise or assist the individual with any
veterans benefits matter; 122
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(2) Receive compensation for services rendered, with
respect to the individual's case, in connection with a claim
filed within one year after the individual's date of separation
of service; 125
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(3) Guarantee, either directly or by implication, a 129

successful outcome or that an individual is certain to receive 130
specific veterans benefits or that an individual is certain to 131
receive a specific level, percentage, or amount of veterans 132
benefits. 133

(C) A person seeking to receive compensation for advising, 134
assisting, or consulting with any individual in connection with 135
any veterans benefits matter shall, before rendering any 136
services, memorialize the specific terms under which the amount 137
to be paid will be determined in a written agreement signed by 138
both parties. Compensation shall be purely contingent upon an 139
increase in benefits awarded, and if successful, compensation 140
shall not exceed five times the amount of the monthly increase 141
in benefits awarded based on the claim. No initial or 142
nonrefundable fee may be charged by a person advising, 143
assisting, or consulting an individual on a veterans benefit 144
matter. 145

(D) Any person advising, assisting, or consulting on 146
veterans benefits matters for compensation shall provide the 147
following disclosure at the outset of the business relationship: 148

"This business is not sponsored by, or affiliated with, 149
the United States department of veterans affairs, the Ohio 150
department of veterans services, an Ohio county veterans service 151
commission, or any federally chartered veterans service 152
organization. Those organizations may be able to provide you 153
with this service free of charge. Products or services offered 154
by this business are not endorsed by any of these organizations. 155
You may qualify for other veterans benefits beyond the benefits 156
for which you are receiving services here." 157

The written disclosure shall appear in at least twelve- 158
point font and shall appear in a readily noticeable and 159

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| <u>identifiable place in the person's agreement with the individual seeking services. The individual shall sign the document in which the written disclosure appears to represent understanding of these provisions. The person offering services shall retain a copy of the written disclosure while providing veterans benefits services for compensation to the individual and for at least one year after the date on which the services terminate.</u> | 160 161 162 163 164 165 166 |
| <u>(E) Any person advising, assisting, or consulting on veterans benefits matters for a fee:</u> | 167 168 |
| <u>(1) Shall not utilize international call centers or data centers for processing veterans personal information;</u> | 169 170 |
| <u>(2) Shall not use a veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information;</u> | 171 172 173 |
| <u>(3) Shall ensure that any individual who has access to a veteran's medical or financial information has undergone a background check before having access to that information. The background check shall be conducted by a reputable source and include identity verification and a criminal records check.</u> | 174 175 176 177 178 |
| <u>(F) A violation of this section constitutes an unfair or deceptive act or practice in connection with a consumer transaction under Chapter 1345. of the Revised Code.</u> | 179 180 181 |
| <u>(G) Notwithstanding division (G) of section 1345.07 of the Revised Code, any civil penalties collected under Chapter 1345. of the Revised Code, for a violation of this section, shall be deposited into the military injury relief fund established in section 5902.05 of the Revised Code.</u> | 182 183 184 185 186 |
| <u>(H) This section does not apply to an agent or attorney who is or is required to be accredited under 38 C.F.R. 14.629 to</u> | 187 188 |

assist claimants in the preparation, presentation, and 189
prosecution of claims for veterans administration benefits. 190

Section 2. That existing section 1345.032 of the Revised 191
Code is hereby repealed. 192