

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**

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| 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:

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

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

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| (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" means a 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" means any township, county, municipal</u> <u>corporation, commission, district, authority, other subdivision,</u> <u>or public body of this state.</u> | 28 29 30 |
| (3) (4) <u>"Solicit" means to advertise or market to a person</u> <u>with whom the solicitor has no pre-existing business</u> <u>relationship.</u> | 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 |

(d) The information necessary to contact that county recorder; 45
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(e) The name and physical address of the person soliciting the fee. 47
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(2) A supplier who solicits a fee for providing a copy of 49
a military discharge record, or a free copy of the record in 50
connection with the solicitation for any other service, shall 51
provide to the purchaser a written document before the 52
collection of any fee. The document shall clearly set forth the 53
fee for the service and shall state on the top of the document, 54
in at least twenty-four-point type, all of the following: 55

(a) The solicitation is not from a public body; 56

(b) No action is legally required by the person being 57
solicited; 58

(c) The military discharge record may be obtained free of 59
charge from the national archives of the United States or from a 60
county veterans service commission. If the military discharge 61
record has previously been recorded with a county recorder's 62
office, it may be obtained from that office by an authorized 63
party under section 317.24 of the Revised Code. 64

(d) The information necessary to contact the national 65
archives of the United States and the appropriate county 66
veterans service commission; 67

(e) The name and physical address of the person soliciting 68
the fee. 69

(3) The document used for a solicitation under this 70
section shall not be in a form or use deadline dates or other 71
language that makes the document appear to be a document issued 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)~~ (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 102
with Chapter 119. of the Revised Code specifying the contents 103
and form of the solicitation document. 104

(F) A violation of division (B) or (C) of this section 105
shall be considered an unconscionable consumer sales act or 106
practice under section 1345.03 of the Revised Code. 107

Sec. 5901.10. (A) As used in this section: 108

"Compensation" means any money, thing of value, or 109
economic benefit conferred on, or received by, a person in 110
return for services rendered, or to be rendered, by the person 111
or another. 112

"Veterans benefits matter" means the preparation, 113
presentation, or prosecution of any claim affecting any person 114
who has filed or expressed an intent to file a claim for any 115
benefit, program, service, commodity, function, status, or 116
entitlement that is determined to pertain to veterans, their 117
dependents, their survivors, or any other person eligible for 118
such benefits under the laws and regulations administered by the 119
United States department of veterans affairs or by the state. 120

(B) No person shall do any of the following: 121

(1) Receive compensation for referring an individual to 122
another person to advise or assist the individual with any 123
veterans benefits matter; 124

(2) Receive compensation for services rendered, with 125
respect to the individual's case, in connection with a claim 126
filed within one year after the individual's date of separation 127
of service; 128

(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

identifiable place in the person's agreement with the individual 160
seeking services. The individual shall sign the document in 161
which the written disclosure appears to represent understanding 162
of these provisions. The person offering services shall retain a 163
copy of the written disclosure while providing veterans benefits 164
services for compensation to the individual and for at least one 165
year after the date on which the services terminate. 166

(E) Any person advising, assisting, or consulting on 167
veterans benefits matters for a fee: 168

(1) Shall not utilize international call centers or data 169
centers for processing veterans personal information; 170

(2) Shall not use a veteran's personal log-in, username, 171
or password information to access that veteran's medical, 172
financial, or government benefits information; 173

(3) Shall ensure that any individual who has access to a 174
veteran's medical or financial information has undergone a 175
background check before having access to that information. The 176
background check shall be conducted by a reputable source and 177
include identity verification and a criminal records check. 178

(F) A violation of this section constitutes an unfair or 179
deceptive act or practice in connection with a consumer 180
transaction under Chapter 1345. of the Revised Code. 181

(G) Notwithstanding division (G) of section 1345.07 of the 182
Revised Code, any civil penalties collected under Chapter 1345. 183
of the Revised Code, for a violation of this section, shall be 184
deposited into the military injury relief fund established in 185
section 5902.05 of the Revised Code. 186

(H) This section does not apply to an agent or attorney 187
who is or is required to be accredited under 38 C.F.R. 14.629 to 188

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| <u>assist claimants in the preparation, presentation, and</u> | 189 |
| <u>prosecution of claims for veterans administration benefits.</u> | 190 |
| Section 2. That existing section 1345.032 of the Revised | 191 |
| Code is hereby repealed. | 192 |