

HOUSE BILL 245

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO VETERANS' AFFAIRS; PROHIBITING RECEIVING
COMPENSATION FOR ASSISTING A PERSON TO OBTAIN VETERANS'
BENEFITS EXCEPT AS PERMITTED UNDER FEDERAL LAW; AMENDING THE
UNFAIR PRACTICES ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 20 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] COMPENSATION FOR SERVICES RELATED TO
VETERANS' BENEFITS MATTERS.--

A. As used in this section:

(1) "compensation" means payment of money, a
thing of value or a financial benefit; and

(2) "veterans' benefits matter" means the
preparation, presentation or prosecution of a claim affecting a

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1 person who has filed or expressed an intent to file a claim for
2 a benefit, program, service, commodity, function or status,
3 entitlement to which is determined under the laws and
4 regulations administered by the United States department of
5 veterans affairs or the United States department of defense
6 pertaining to veterans, their dependents, their survivors and
7 any other individual eligible for such benefits.

8 B. Pursuant to this section, a person shall not:

9 (1) receive compensation for preparation,
10 presentation or prosecution of, or advising, consulting or
11 assisting another person with, a veterans' benefits matter,
12 except as permitted under federal law;

13 (2) receive compensation for referring an
14 individual to another person to prepare, present or prosecute,
15 or advise, consult or assist that person with, a veterans'
16 benefits matter;

17 (3) receive, with respect to a person's
18 veterans' benefits matter, compensation for services rendered
19 before the date on which a notice of disagreement, decision
20 review or appeal is filed, whichever occurs first;

21 (4) guarantee, either directly or by
22 implication, that any person is certain to receive specific
23 veterans' benefits or that any person is certain to receive a
24 specific level, percentage or amount of veterans' benefits; or

25 (5) receive excessive or unreasonable fees, as

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1 determined pursuant to 38 C.F.R. Part 14.636, as compensation
2 for preparation, presentation or prosecution of, or advising,
3 consulting or assisting a person with, a veterans' benefits
4 matter.

5 C. A person seeking to receive compensation for
6 preparation, presentation or prosecution of, or advising,
7 consulting or assisting another person with, a veterans'
8 benefits matter shall, before rendering any services,
9 memorialize in a written agreement signed by both parties.

10 D. The provisions of this section do not apply to
11 an accredited representative of a recognized organization or an
12 accredited agent or attorney as provided pursuant to 38 C.F.R.
13 Part 14.629."

14 SECTION 2. Section 57-12-2 NMSA 1978 (being Laws 1967,
15 Chapter 268, Section 2, as amended) is amended to read:

16 "57-12-2. DEFINITIONS.--As used in the Unfair Practices
17 Act:

18 A. "person" means, where applicable, natural
19 persons, corporations, trusts, partnerships, associations,
20 cooperative associations, clubs, companies, firms, joint
21 ventures or syndicates;

22 B. "seller-initiated telephone sale" means a sale,
23 lease or rental of goods or services in which the seller or the
24 seller's representative solicits the sale by telephoning the
25 prospective purchaser and in which the sale is consummated

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1 entirely by telephone or mail, but does not include a
2 transaction:

3 (1) in which a person solicits a sale from a
4 prospective purchaser who has previously made an authorized
5 purchase from the seller's business; or

6 (2) in which the purchaser is accorded the
7 right of rescission by the provisions of the federal Consumer
8 Credit Protection Act, 15 U.S.C. 1635, or regulations issued
9 pursuant thereto;

10 C. "trade" or "commerce" includes the advertising,
11 offering for sale or distribution of any services and any
12 property and any other article, commodity or thing of value,
13 including any trade or commerce directly or indirectly
14 affecting the people of this state;

15 D. "unfair or deceptive trade practice" means an
16 act specifically declared unlawful pursuant to the Unfair
17 Practices Act, a false or misleading oral or written statement,
18 visual description or other representation of any kind
19 knowingly made in connection with the sale, lease, rental or
20 loan of goods or services or in the extension of credit or in
21 the collection of debts by a person in the regular course of
22 the person's trade or commerce, that may, tends to or does
23 deceive or mislead any person and includes:

24 (1) representing goods or services as those of
25 another when the goods or services are not the goods or

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1 services of another;

2 (2) causing confusion or misunderstanding as
3 to the source, sponsorship, approval or certification of goods
4 or services;

5 (3) causing confusion or misunderstanding as
6 to affiliation, connection or association with or certification
7 by another;

8 (4) using deceptive representations or
9 designations of geographic origin in connection with goods or
10 services;

11 (5) representing that goods or services have
12 sponsorship, approval, characteristics, ingredients, uses,
13 benefits or quantities that they do not have or that a person
14 has a sponsorship, approval, status, affiliation or connection
15 that the person does not have;

16 (6) representing that goods are original or
17 new if they are deteriorated, altered, reconditioned,
18 reclaimed, used or secondhand;

19 (7) representing that goods or services are of
20 a particular standard, quality or grade or that goods are of a
21 particular style or model if they are of another;

22 (8) disparaging the goods, services or
23 business of another by false or misleading representations;

24 (9) offering goods or services with intent not
25 to supply them in the quantity requested by the prospective

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1 buyer to the extent of the stock available, unless the
2 purchaser is purchasing for resale;

3 (10) offering goods or services with intent
4 not to supply reasonable expectable public demand;

5 (11) making false or misleading statements of
6 fact concerning the price of goods or services, the prices of
7 competitors or one's own price at a past or future time or the
8 reasons for, existence of or amounts of price reduction;

9 (12) making false or misleading statements of
10 fact for the purpose of obtaining appointments for the
11 demonstration, exhibition or other sales presentation of goods
12 or services;

13 (13) packaging goods for sale in a container
14 that bears a trademark or trade name identified with goods
15 formerly packaged in the container, without authorization,
16 unless the container is labeled or marked to disclaim a
17 connection between the contents and the trademark or trade
18 name;

19 (14) using exaggeration, innuendo or ambiguity
20 as to a material fact or failing to state a material fact if
21 doing so deceives or tends to deceive;

22 (15) stating that a transaction involves
23 rights, remedies or obligations that it does not involve;

24 (16) stating that services, replacements or
25 repairs are needed if they are not needed;

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1 (17) failing to deliver the quality or
2 quantity of goods or services contracted for;

3 (18) violating the Tobacco Escrow Fund Act;

4 (19) violating Section 1 of this 2025 act; or

5 [~~(19)~~] (20) offering or providing unposted or
6 unadvertised pricing or service based on the buyer's gender or
7 perceived gender identity; provided, however, that this
8 provision does not apply to persons regulated by the office of
9 superintendent of insurance pursuant to the New Mexico
10 Insurance Code; and

11 E. "unconscionable trade practice" means an act or
12 practice in connection with the sale, lease, rental or loan, or
13 in connection with the offering for sale, lease, rental or
14 loan, of any goods or services, including services provided by
15 licensed professionals, or in the extension of credit or in the
16 collection of debts that to a person's detriment:

17 (1) takes advantage of the lack of knowledge,
18 ability, experience or capacity of a person to a grossly unfair
19 degree; or

20 (2) results in a gross disparity between the
21 value received by a person and the price paid."