

Part 8 Preserve Our Heritage Act

9-8-801 Short title.

This part is known as the "Preserve Our Heritage Act."

Renumbered and Amended by Chapter 241, 1992 General Session

9-8-802 Definitions.

As used in this part:

- (1) "Agency" means any administrative unit of Utah's state government or local government.
- (2) "Collecting institutions" means historical societies, museums, archives, and libraries that:
 - (a) are operated by nonprofit corporations in Utah or by any Utah agency; and
 - (b) preserve our heritage and benefit society by acquiring and preserving repositied materials.
- (3) "Repositied materials" means materials of historical, artistic, literary, or scientific value that are deposited in a collecting institution.

Renumbered and Amended by Chapter 241, 1992 General Session

9-8-803 Ownership of repositied materials -- Rebuttable presumption.

- (1) There is established a rebuttable presumption that any repositied materials held by a collecting institution are the property of that collecting institution.
- (2) Any person seeking to claim repositied materials from a collecting institution shall comply with the requirements of this part.

Amended by Chapter 4, 1993 General Session

9-8-804 Statute of limitations for claiming repositied materials from a collecting institution.

- (1) Any repositied materials in a collecting institution that are not accompanied by a transfer of title to those materials are considered a gift to the collecting institution when more than 25 years have passed from the date of the last written contact between the depositor or his successors and the collecting institution.
- (2) No depositor or any of his successors may bring an action against the collecting institution to recover the repositied materials from the collecting institution after 25 years have passed from the date of the last written contact between the depositor or his successors and the collecting institution.

Renumbered and Amended by Chapter 241, 1992 General Session

9-8-805 Collecting institutions -- Perfecting title -- Notice.

- (1)
 - (a) Any collecting institution wishing to perfect title in any repositied materials held by it shall send, by registered mail, a notice containing the information required by this section to the last-known address of the last-known owner of the property.
 - (b) The collecting institution shall publish a notice containing the information required by this section:
 - (i) if:

- (A) the owner or the address of the owner of the repositied materials is unknown;
 - (B) the mailed notice is returned to the collecting institution without a forwarding address; or
 - (C) the owner does not claim the repositied materials within 90 days after the notice was mailed; and
- (ii)
- (A) by publication at least once per week for two consecutive weeks in a newspaper of general circulation in the county where the collection institution is located; and
 - (B) by publication in accordance with Section 45-1-101 for two weeks.
- (2) The notices required by this section shall include:
- (a) the name, if known, and the last-known address, if any, of the last-known owner of the repositied materials;
 - (b) a description of the repositied materials;
 - (c) the name of the collecting institution that has possession of the repositied materials and a person within that institution whom the owner may contact; and
 - (d) a statement that if the repositied materials are not claimed within 90 days from the date that the notice is published in accordance with Subsection (1)(b), the repositied materials are considered to be abandoned and become the property of the collecting institution.
- (3) If no one has claimed the repositied materials within 90 days after the date that the notice is published in accordance with Subsection (1)(b), the repositied materials are considered to be abandoned and are the property of the collecting institution.

Amended by Chapter 388, 2009 General Session

9-8-806 Claiming repositied materials held by a collecting institution.

- (1) Any person claiming title to repositied materials held by a collecting institution shall demonstrate that he owns all right, title, and interest in the repositied materials to the reasonable satisfaction of the collecting institution.
- (2)
- (a) Any person claiming to represent a person claiming title to repositied materials held by a collecting institution shall demonstrate, to the reasonable satisfaction of the collecting institution, that:
 - (i) he represents every person who owns any right, title, or interest in the repositied materials; and
 - (ii) the persons he represents own all right, title, and interest in the repositied materials.
 - (b) Any person claiming he represents persons holding all right, title, and interest in the repositied materials may demonstrate that representation by providing the collecting institution with a notarized authorization from every person having any right, title, or interest in the repositied materials.

Renumbered and Amended by Chapter 241, 1992 General Session