

67-4a-702 Enforcement -- Limitation of actions.

- (1) The administrator, for and on behalf of the state of Utah, may begin an action in the district court of the county where the defendant resides or in the district court where the property is located to:
 - (a) obtain an order that certain property is unclaimed and payable or distributable to the administrator;
 - (b) compel presentation of a report or payment or distribution of property to the administrator;
 - (c) enforce the duty of a person to permit the examination or audit of the records of that person;
 - (d) enjoin any act that violates the provisions of this chapter; or
 - (e) enforce any aspect of this chapter in any manner.
- (2) The administrator may begin an action under this section when:
 - (a) the holder is a person domiciled in Utah or is a governmental entity of Utah;
 - (b) the holder is a person engaged in or transacting any business in Utah, although not domiciled in Utah; or
 - (c) the subject matter is tangible personal property held in Utah.
- (3) If a Utah court cannot obtain the personal jurisdiction necessary to pursue an action authorized by this section, the administrator may begin an action authorized by this section in a federal court or state court of another state having jurisdiction over that person.
- (4) The administrator is an indispensable party to any judicial or administrative proceedings concerning the disposition and handling of unclaimed property that is or may be payable or distributable into the protective custody of the administrator.
- (5) The administrator may intervene and participate in any judicial or administrative proceeding when to intervene will:
 - (a) be in the best interest of the state of Utah or the apparent owner of the unclaimed property; or
 - (b) conserve and safeguard the unclaimed property against dissipation, undue diminishment, or adverse discriminatory treatment.
- (6) The administrator may not begin an action or proceeding against any holder more than 10 years after the holder:
 - (a) specifically reported the property to the administrator; or
 - (b) gave notice of a dispute regarding the property to the administrator.

Enacted by Chapter 198, 1995 General Session