

UNIFORM UNCLAIMED PROPERTY ACT

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Unclaimed Property Act.

Highlighted Provisions:

This bill:

- ▶ provides and amends definitions;
- ▶ repeals and reenacts the Revised Uniform Unclaimed Property Act;
- ▶ amends and enacts provisions addressing the standards for determining when property is abandoned or unclaimed;
- ▶ amends and enacts provisions addressing the procedures for reporting and submitting abandoned or unclaimed property;
- ▶ amends and enacts provisions addressing the disposition of abandoned or unclaimed property in the administrator's custody;
- ▶ amends and enacts provisions addressing procedures and requirements for claiming ownership of abandoned or unclaimed property;
- ▶ amends and enacts provisions addressing the duties of a holder of abandoned or unclaimed property;
- ▶ amends and enacts provisions addressing the enforcement of the responsibilities and requirements for abandoned or unclaimed property;
- ▶ enacts provisions addressing the confidentiality and security of abandoned or unclaimed property reports and information; and



28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **31A-4-110**, as last amended by Laws of Utah 1995, Chapter 198

36 **31A-22-1903**, as enacted by Laws of Utah 2015, Chapter 259

37 **57-16-14**, as enacted by Laws of Utah 2001, Chapter 256

38 **78B-6-816**, as last amended by Laws of Utah 2013, Chapter 206

39 ENACTS:

40 **67-4a-104**, Utah Code Annotated 1953

41 **67-4a-201.1**, Utah Code Annotated 1953

42 **67-4a-304**, Utah Code Annotated 1953

43 **67-4a-305**, Utah Code Annotated 1953

44 **67-4a-306**, Utah Code Annotated 1953

45 **67-4a-307**, Utah Code Annotated 1953

46 **67-4a-503**, Utah Code Annotated 1953

47 **67-4a-504**, Utah Code Annotated 1953

48 **67-4a-603**, Utah Code Annotated 1953

49 **67-4a-604**, Utah Code Annotated 1953

50 **67-4a-605**, Utah Code Annotated 1953

51 **67-4a-606**, Utah Code Annotated 1953

52 **67-4a-607**, Utah Code Annotated 1953

53 **67-4a-608**, Utah Code Annotated 1953

54 **67-4a-609**, Utah Code Annotated 1953

55 **67-4a-610**, Utah Code Annotated 1953

56 **67-4a-803**, Utah Code Annotated 1953

57 **67-4a-804**, Utah Code Annotated 1953

58 **67-4a-903**, Utah Code Annotated 1953

- 59 [67-4a-904](#), Utah Code Annotated 1953
- 60 [67-4a-905](#), Utah Code Annotated 1953
- 61 [67-4a-906](#), Utah Code Annotated 1953
- 62 [67-4a-1001](#), Utah Code Annotated 1953
- 63 [67-4a-1002](#), Utah Code Annotated 1953
- 64 [67-4a-1003](#), Utah Code Annotated 1953
- 65 [67-4a-1004](#), Utah Code Annotated 1953
- 66 [67-4a-1005](#), Utah Code Annotated 1953
- 67 [67-4a-1006](#), Utah Code Annotated 1953
- 68 [67-4a-1007](#), Utah Code Annotated 1953
- 69 [67-4a-1008](#), Utah Code Annotated 1953
- 70 [67-4a-1009](#), Utah Code Annotated 1953
- 71 [67-4a-1010](#), Utah Code Annotated 1953
- 72 [67-4a-1011](#), Utah Code Annotated 1953
- 73 [67-4a-1101](#), Utah Code Annotated 1953
- 74 [67-4a-1102](#), Utah Code Annotated 1953
- 75 [67-4a-1103](#), Utah Code Annotated 1953
- 76 [67-4a-1104](#), Utah Code Annotated 1953
- 77 [67-4a-1201](#), Utah Code Annotated 1953
- 78 [67-4a-1202](#), Utah Code Annotated 1953
- 79 [67-4a-1203](#), Utah Code Annotated 1953
- 80 [67-4a-1204](#), Utah Code Annotated 1953
- 81 [67-4a-1205](#), Utah Code Annotated 1953
- 82 [67-4a-1206](#), Utah Code Annotated 1953
- 83 [67-4a-1301](#), Utah Code Annotated 1953
- 84 [67-4a-1302](#), Utah Code Annotated 1953
- 85 [67-4a-1303](#), Utah Code Annotated 1953
- 86 [67-4a-1401](#), Utah Code Annotated 1953
- 87 [67-4a-1402](#), Utah Code Annotated 1953
- 88 [67-4a-1403](#), Utah Code Annotated 1953
- 89 [67-4a-1404](#), Utah Code Annotated 1953

- 90 [67-4a-1405](#), Utah Code Annotated 1953
- 91 [67-4a-1406](#), Utah Code Annotated 1953
- 92 [67-4a-1407](#), Utah Code Annotated 1953
- 93 [67-4a-1408](#), Utah Code Annotated 1953
- 94 [67-4a-1501](#), Utah Code Annotated 1953
- 95 [67-4a-1502](#), Utah Code Annotated 1953
- 96 [67-4a-1503](#), Utah Code Annotated 1953
- 97 [67-4a-1504](#), Utah Code Annotated 1953

98 REPEALS AND REENACTS:

- 99 [67-4a-101](#), as enacted by Laws of Utah 1995, Chapter 198
- 100 [67-4a-102](#), as last amended by Laws of Utah 2010, Chapter 218
- 101 [67-4a-103](#), as enacted by Laws of Utah 1995, Chapter 198
- 102 [67-4a-201](#), as last amended by Laws of Utah 2007, Chapter 18
- 103 [67-4a-202](#), as enacted by Laws of Utah 1995, Chapter 198
- 104 [67-4a-203](#), as last amended by Laws of Utah 2007, Chapter 18
- 105 [67-4a-204](#), as last amended by Laws of Utah 2007, Chapter 18
- 106 [67-4a-205](#), as last amended by Laws of Utah 2007, Chapter 18
- 107 [67-4a-206](#), as enacted by Laws of Utah 1995, Chapter 198
- 108 [67-4a-208](#), as last amended by Laws of Utah 2007, Chapter 18
- 109 [67-4a-209](#), as last amended by Laws of Utah 2007, Chapter 18
- 110 [67-4a-210](#), as last amended by Laws of Utah 2005, Chapter 156
- 111 [67-4a-211](#), as last amended by Laws of Utah 2009, Chapter 343
- 112 [67-4a-212](#), as enacted by Laws of Utah 1995, Chapter 198
- 113 [67-4a-301](#), as last amended by Laws of Utah 2007, Chapter 18
- 114 [67-4a-302](#), as last amended by Laws of Utah 2007, Chapter 18
- 115 [67-4a-303](#), as enacted by Laws of Utah 1995, Chapter 198
- 116 [67-4a-401](#), as enacted by Laws of Utah 1995, Chapter 198
- 117 [67-4a-402](#), as last amended by Laws of Utah 2009, Chapter 388
- 118 [67-4a-403](#), as last amended by Laws of Utah 2009, Chapter 388
- 119 [67-4a-404](#), as enacted by Laws of Utah 1995, Chapter 198
- 120 [67-4a-405](#), as last amended by Laws of Utah 2008, Chapter 339

- 121 [67-4a-501](#), as enacted by Laws of Utah 1995, Chapter 198
- 122 [67-4a-502](#), as enacted by Laws of Utah 1995, Chapter 198
- 123 [67-4a-601](#), as last amended by Laws of Utah 2007, Chapter 18
- 124 [67-4a-602](#), as enacted by Laws of Utah 1995, Chapter 198
- 125 [67-4a-701](#), as last amended by Laws of Utah 2007, Chapter 18
- 126 [67-4a-702](#), as enacted by Laws of Utah 1995, Chapter 198
- 127 [67-4a-703](#), as last amended by Laws of Utah 2008, Chapter 382
- 128 [67-4a-704](#), as enacted by Laws of Utah 1995, Chapter 198
- 129 [67-4a-705](#), as enacted by Laws of Utah 1995, Chapter 198
- 130 [67-4a-801](#), as enacted by Laws of Utah 1995, Chapter 198
- 131 [67-4a-802](#), as enacted by Laws of Utah 1995, Chapter 198
- 132 [67-4a-901](#), as enacted by Laws of Utah 1995, Chapter 198
- 133 [67-4a-902](#), as enacted by Laws of Utah 1995, Chapter 198

134 REPEALS:

- 135 [67-4a-213](#), as enacted by Laws of Utah 1995, Chapter 198
- 136 [67-4a-214](#), as last amended by Laws of Utah 2007, Chapter 18

137

138 *Be it enacted by the Legislature of the state of Utah:*

139 Section 1. Section **31A-4-110** is amended to read:

140 **31A-4-110. Duty of insurers to report abandoned property.**

141 All insurers doing business in Utah shall report under Section [~~67-4a-301~~] [67-4a-401](#)
142 any property presumed abandoned under Title 67, Chapter 4a, Part 2, [~~Standards for~~
143 ~~Determining When Property Is Abandoned or Unclaimed~~] Presumption of Abandonment.

144 Section 2. Section **31A-22-1903** is amended to read:

145 **31A-22-1903. Insurer conduct.**

146 (1) An insurer shall perform a comparison of its insureds' in-force policies, contracts,
147 and retained asset accounts against a death master file, on at least a semi-annual basis, by using
148 the full death master file once and thereafter using the death master file update files for future
149 comparisons to identify potential matches of its insureds. For those potential matches
150 identified as a result of a death master file match:

- 151 (a) The insurer shall within 90 days of a death master file match:

152 (i) complete a good faith effort, that the insurer documents, to confirm the death of the
153 insured or retained asset account holder against other available records and information; and

154 (ii) determine whether benefits are due in accordance with the applicable policy or
155 contract, and if benefits are due in accordance with the applicable policy or contract:

156 (A) use good faith efforts, that the insurer documents, to locate the beneficiary or
157 beneficiaries; and

158 (B) provide the appropriate claims forms or instructions to the beneficiary or
159 beneficiaries to make a claim including the need to provide an official death certificate, if
160 applicable under the policy or contract.

161 (b) With respect to group life insurance, an insurer shall confirm the possible death of
162 an insured when the insurer maintains at least the following information of those covered under
163 a policy or certificate:

164 (i) social security number, or name and date of birth;

165 (ii) beneficiary designation information;

166 (iii) coverage eligibility;

167 (iv) benefit amount; and

168 (v) premium payment status.

169 (c) An insurer shall implement procedures to account for:

170 (i) initials used in lieu of a first or middle name, use of a middle name, compound first
171 and middle names, and interchanged first and middle names;

172 (ii) compound last names, hyphens, and blank spaces or apostrophes in last names; and

173 (iii) transposition of the "month" and "date" portions of the date of birth.

174 (d) To the extent permitted by law, the insurer may disclose minimum necessary
175 personal information about the insured or beneficiary to a person who the insurer reasonably
176 believes may be able to assist the insurer locate the beneficiary or a person otherwise entitled to
177 payment of the claims proceeds.

178 (2) (a) An insurer that has not engaged in asymmetric conduct before July 1, 2015, is
179 not required to comply with the requirements of this section with respect to a policy, annuity,
180 or retained asset account issued or delivered before July 1, 2015.

181 (b) Notwithstanding Subsection (2)(a), an insurer, regardless of whether it has engaged
182 in asymmetric conduct, shall comply with the requirements of this section for a policy, annuity,

183 or retained asset account issued on or after July 1, 2015.

184 (3) An insurer or the insurer's service provider may not charge a beneficiary or other
185 authorized representative for fees or costs associated with a death master file search or
186 verification of a death master file match conducted pursuant to this section.

187 (4) The benefits from a policy, contract, or retained asset account, plus any applicable
188 accrued contractual interest shall first be payable to the designated beneficiaries or owners and
189 in the event said beneficiaries or owners can not be found, shall be transferred to the state as
190 unclaimed property pursuant to [~~Section 67-4a-205~~] Subsection 67-4a-201(8). Interest payable
191 under Section 31A-22-428 may not be payable as unclaimed property under [~~Section~~
192 ~~67-4a-205~~] Subsection 67-4a-201(8).

193 (5) An insurer shall notify the administrator upon the expiration of the statutory
194 holding period under [~~Section 67-4a-205~~] Subsection 67-4a-201(8) that:

195 (a) a policy, contract beneficiary, or retained asset account holder has not submitted a
196 claim with the insurer; and

197 (b) the insurer has complied with Subsection (1) and has been unable, after good faith
198 efforts documented by the insurer, to contact the retained asset account holder, beneficiary, or
199 beneficiaries.

200 (6) Upon such notice, an insurer shall immediately submit the unclaimed policy or
201 contract benefits or unclaimed retained asset accounts, plus any applicable accrued interest, to
202 the administrator.

203 Section 3. Section **57-16-14** is amended to read:

204 **57-16-14. Abandoned premises -- Retaking by owner -- Liability of resident or**
205 **occupant -- Personal property of resident or occupant left on mobile home space.**

206 (1) In the event of abandonment under Section 57-16-13, the park may retake the
207 mobile home space and attempt to relet the space at a fair rental value. The resident or
208 occupant who abandoned the premises is liable:

209 (a) for the entire rent, service charges, and fees that would otherwise be due until the
210 premise is relet or for a period not to exceed 90 days, whichever comes first; and

211 (b) any costs incurred by the park necessary to relet the mobile home space at fair
212 market value, including the costs of:

213 (i) moving the mobile home from the mobile home space;

214 (ii) storing the mobile home; and
 215 (iii) restoring the mobile home space to a reasonable condition, including the cost of
 216 replacing or repairing landscaping that was damaged by the resident or occupant.

217 (2) (a) If the resident or occupant has abandoned the mobile home space, the mobile
 218 home, or both, and has left personal property, including the mobile home, on the mobile home
 219 space, the park is entitled to remove the property from the mobile home space, store it for the
 220 resident or occupant, and recover actual moving and storage costs from the resident, the
 221 occupant, or both. With respect to the mobile home, however, the park may elect to contact the
 222 lienholder under Section 57-16-9, or to store the mobile home on the mobile home space, while
 223 attempting to notify the resident or occupant under Subsection (2)(b)(i).

224 (b) (i) The park shall make reasonable efforts to notify the resident or occupant of the
 225 location of the personal property, and that the personal property will be sold at the expiration of
 226 30 days if not redeemed and removed by the resident or occupant. Reasonable efforts require
 227 that the park send written notice by regular mail to the resident or occupant at the ~~[last-known]~~
 228 last known address within the park if the park is unaware of any subsequent address. To
 229 redeem the personal property, the resident or occupant is required to pay the reasonable storage
 230 and moving charges.

231 (ii) If the personal property has been in storage for over 30 days, notice has been given
 232 as required by Subsection (2)(b)(i), and the resident or occupant has made no reasonable effort
 233 to recover the personal property, the park may:

234 (A) sell the personal property and apply the proceeds toward any amount the resident
 235 or occupant owes; or

236 (B) donate the personal property to charity or dispose of the property.

237 (c) Any excess money from the sale of the personal property, including the mobile
 238 home, shall be handled as specified in Title 67, Chapter 4a, Part 2, ~~[Standards for Determining~~
 239 ~~When Property Is Abandoned or Unclaimed]~~ Presumption of Abandonment.

240 (d) Nothing contained in this chapter shall be in derogation of or alter the owner's
 241 rights under Title 38, Chapter 3, Lessors' Liens.

242 Section 4. Section 67-4a-101 is repealed and reenacted to read:

243 **CHAPTER 4a. REVISED UNIFORM UNCLAIMED PROPERTY ACT**

244 **Part 1. General Provisions**

245 67-4a-101. Title.

246 This chapter is known as the "Revised Uniform Unclaimed Property Act."

247 Section 5. Section **67-4a-102** is repealed and reenacted to read:

248 67-4a-102. Definitions.

249 As used in this chapter:

250 (1) "Administrator" means the deputy state treasurer assigned by the state treasurer.

251 (2) (a) "Administrator's agent" means a person with which the administrator contracts

252 to conduct an examination under Part 10, Verified Report of Property and Examination of

253 Records, on behalf of the administrator.

254 (b) "Adminstrator's agent" includes an independent contractor of the person and each

255 individual participating in the examination on behalf of the person or contractor.

256 (3) "Apparent owner" means a person whose name appears on the records of a holder

257 as the owner of property held, issued, or owing by the holder.

258 (4) (a) "Bank draft" means a check, draft, or similar instrument on which a banking or

259 financial organization is directly liable.

260 (b) "Bank draft" includes:

261 (i) a cashier's check; and

262 (ii) a certified check.

263 (c) "Bank draft" does not include:

264 (i) a traveler's check; or

265 (ii) a money order.

266 (5) "Banking organization" means:

267 (a) a bank;

268 (b) an industrial bank;

269 (c) a trust company;

270 (d) a savings bank; or

271 (e) any organization defined by other law as a bank or banking organization.

272 (6) "Business association" means a corporation, joint stock company, investment

273 company other than an investment company registered under the Investment Company Act of

274 1940, partnership, unincorporated association, joint venture, limited liability company,

275 business trust, trust company, land bank, safe deposit company, safekeeping depository,

276 financial organization, banking organization, insurance company, federally chartered entity,
277 utility, sole proprietorship, or other business entity, whether or not for profit.

278 (7) "Cashier's check" means a check that:

279 (a) is drawn by a banking organization on itself;

280 (b) is signed by an officer of the banking organization; and

281 (c) authorizes payment of the amount shown on the check's face to the payee.

282 (8) "Class action" means a legal action:

283 (a) certified by the court as a class action; or

284 (b) treated by the court as a class action without being formally certified as a class
285 action.

286 (9) "Confidential information" means records, reports, and information that is
287 confidential under Section [67-4a-1402](#).

288 (10) (a) "Deposit in a financial institution" means a demand, savings, or matured time
289 deposit with a banking or financial organization.

290 (b) "Deposit in a financial institution" includes:

291 (i) any interest or dividends on a deposit; and

292 (ii) a deposit that is automatically renewable.

293 (11) "Domicile" means:

294 (a) for a corporation, the state of the corporation's incorporation;

295 (b) for a business association, other than a corporation, whose formation requires a
296 filing with a state the state of the business association's filing;

297 (c) for a federally chartered entity or an investment company registered under the
298 Investment Company Act of 1940, the state of the entity's or company's home office; and

299 (d) for any other holder, the state of the holder's principal place of business.

300 (12) "Electronic" means relating to technology having electrical, digital, magnetic,
301 wireless, optical, electromagnetic, or similar capabilities.

302 (13) "Electronic mail" means a communication by electronic means that is
303 automatically retained and stored and may be readily accessed or retrieved.

304 (14) "Financial organization" means:

305 (a) a savings and loan association; or

306 (b) a credit union.

307 (15) (a) "Game-related digital content" means digital content that exists only in an
308 electronic game or electronic-game platform.

309 (b) "Game-related digital content" includes:

310 (i) game-play currency, including a virtual wallet, even if denominated in United States
311 currency; and

312 (ii) the following, if for use or redemption only within the game or platform or another
313 electronic game or electronic-game platform:

314 (A) points sometimes referred to as gems, tokens, gold, and similar names; and

315 (B) digital codes.

316 (c) "Game-related digital content" does not include an item that the issuer:

317 (i) permits to be redeemed for use outside a game or platform for:

318 (A) money; or

319 (B) goods or services that have more than minimal value; or

320 (ii) otherwise monetizes for use outside a game or platform.

321 (16) (a) "Gift card" means a stored-value card:

322 (i) the value of which does not expire;

323 (ii) that may be decreased in value only by redemption for merchandise, goods, or
324 services; and

325 (iii) that, unless required by law, may not be redeemed for or converted into money or
326 otherwise monetized by the issuer.

327 (b) "Gift card" includes a prepaid commercial mobile radio service, as defined in 47
328 C.F.R. Sec. 20.3, as amended.

329 (17) "Holder" means a person obligated to hold for the account of, or to deliver or pay
330 to, the owner, property subject to this chapter.

331 (18) "Insurance company" means an association, corporation, or fraternal or mutual
332 benefit organization, whether or not for profit, engaged in the business of providing life
333 endowments, annuities, or insurance, including:

334 (a) accident insurance;

335 (b) burial insurance;

336 (c) casualty insurance;

337 (d) credit life insurance;

- 338 (e) contract performance insurance;
- 339 (f) dental insurance;
- 340 (g) disability insurance;
- 341 (h) fidelity insurance;
- 342 (i) fire insurance;
- 343 (j) health insurance;
- 344 (k) hospitalization insurance;
- 345 (l) illness insurance;
- 346 (m) life insurance, including endowments and annuities;
- 347 (n) malpractice insurance;
- 348 (o) marine insurance;
- 349 (p) mortgage insurance;
- 350 (q) surety insurance;
- 351 (r) wage protection insurance; and
- 352 (s) worker compensation insurance.
- 353 (19) "Last known address" means a description of the location of the apparent owner
354 sufficient for the purpose of the delivery of mail.
- 355 (20) (a) "Loyalty card" means a record given without direct monetary consideration
356 under an award, reward, benefit, loyalty, incentive, rebate, or promotional program that may be
357 used or redeemed only to obtain goods or services or a discount on goods or services.
- 358 (b) "Loyalty card" does not include a record that may be redeemed for money or
359 otherwise monetized by the issuer.
- 360 (21) (a) "Mineral" means any substance that is ordinarily and naturally considered a
361 mineral, regardless of the depth at which the substance is found.
- 362 (b) "Mineral" includes:
 - 363 (i) building stone;
 - 364 (ii) cement material;
 - 365 (iii) chemical raw material;
 - 366 (iv) coal;
 - 367 (v) colloidal and other clay;
 - 368 (vi) fissionable and nonfissionable ore;

- 369 (vii) gas;
370 (viii) gemstone;
371 (ix) gravel;
372 (x) lignite;
373 (xi) oil;
374 (xii) oil shale;
375 (xiii) other gaseous liquid or solid hydrocarbon;
376 (xiv) road material;
377 (xv) sand;
378 (xvi) steam and other geothermal resources;
379 (xvii) sulphur; and
380 (xviii) uranium.
381 (22) (a) "Mineral proceeds" means an amount payable:
382 (i) for extraction, production, or sale of minerals; or
383 (ii) for the abandonment of an interest in minerals.
384 (b) "Mineral proceeds" includes an amount payable:
385 (i) for the acquisition and retention of a mineral lease, including a bonus, royalty,
386 compensatory royalty, shut-in royalty, minimum royalty, or delay rental;
387 (ii) for the extraction, production, or sale of minerals, including a net revenue interest,
388 royalty, overriding royalty, extraction payment, or production payment; and
389 (iii) under an agreement or option, including a joint-operating agreement, unit
390 agreement, pooling agreement, and farm-out agreement.
391 (23) (a) "Money order" means a payment order for a specified amount of money.
392 (b) "Money order" includes an express money order and a personal money order on
393 which the remitter is the purchaser.
394 (c) "Money order" does not include a cashier's check.
395 (24) "Municipal bond" means a bond or evidence of indebtedness issued by a
396 municipality or other political subdivision of a state.
397 (25) "Net card value" means the original purchase price or original issued value of a
398 stored-value card, plus amounts added to the original price or value, minus amounts used and
399 any service charge, fee, or dormancy charge permitted by law.

400 (26) (a) "Nonfreely transferable security" means a security that cannot be delivered to
401 the administrator by the Depository Trust Clearing Corporation or a similar custodian of
402 securities providing post-trade clearing and settlement services to financial markets or cannot
403 be delivered because there is no agent to effect transfer.

404 (b) "Nonfreely transferable security" includes a worthless security.

405 (27) (a) "Owner" means a person that has a legal, beneficial, or equitable interest in
406 property subject to this chapter or the person's legal representative when acting on behalf of the
407 owner.

408 (b) "Owner" includes:

409 (i) a depositor, for a deposit;

410 (ii) a beneficiary, for a trust other than a deposit in trust;

411 (iii) a creditor, claimant, or payee, for other property; and

412 (iv) the lawful bearer of a record that may be used to obtain money, a reward, or a thing
413 of value.

414 (28) "Payroll card" means a record that evidences a payroll card account as defined in
415 Regulation E, 12 C.F.R. Part 1005, as amended.

416 (29) "Person" means:

417 (a) an individual;

418 (b) an estate;

419 (c) a business association;

420 (d) a public corporation;

421 (e) a government entity;

422 (f) an agency;

423 (g) a trust;

424 (h) an instrumentality; or

425 (i) any other legal or commercial entity.

426 (30) (a) "Property" means tangible property described in Section [67-4a-205](#) or a fixed
427 and certain interest in intangible property held, issued, or owed in the course of a holder's
428 business or by a government entity.

429 (b) "Property" includes:

430 (i) all income from or increments to the property;

- 431 (ii) property referred to as or evidenced by:
432 (A) money, virtual currency, interest, or a dividend, check, draft, deposit, or payroll
433 card;
434 (B) a credit balance, customer's overpayment, stored-value card, security deposit,
435 refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation
436 to provide a refund, mineral proceeds, or unidentified remittance; and
437 (C) a security except for:
438 (I) a worthless security; or
439 (II) a security that is subject to a lien, legal hold, or restriction evidenced on the records
440 of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the
441 holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;
442 (iii) a bond, debenture, note, or other evidence of indebtedness;
443 (iv) money deposited to redeem a security, make a distribution, or pay a dividend;
444 (v) an amount due and payable under an annuity contract or insurance policy;
445 (vi) an amount distributable from a trust or custodial fund established under a plan to
446 provide health, welfare, pension, vacation, severance, retirement, death, stock purchase,
447 profit-sharing, employee-savings, supplemental-unemployment insurance, or a similar benefit;
448 and
449 (vii) an amount held under a preneed funeral or burial contract, other than a contract
450 for burial rights or opening and closing services, where the contract has not been serviced
451 following the death or the presumed death of the beneficiary.
452 (c) "Property" does not include:
453 (i) property held in a plan described in Section 529A, Internal Revenue Code;
454 (ii) game-related digital content; or
455 (iii) a loyalty card;
456 (iv) an in-store credit for returned merchandise; or
457 (v) a gift card.
458 (31) "Putative holder" means a person believed by the administrator to be a holder,
459 until:
460 (a) the person pays or delivers to the administrator property subject to this chapter; or
461 (b) the administrator or a court makes a final determination that the person is or is not a

462 holder.

463 (32) "Record" means information that is inscribed on a tangible medium or that is
464 stored in an electronic or other medium and is retrievable in perceivable form.

465 (33) "Security" means:

466 (a) a security as defined in Revised Article 8 of the Uniform Commercial Code; or

467 (b) a security entitlement as defined in Revised Article 8 of the Uniform Commercial
468 Code, including a customer security account held by a registered broker-dealer, to the extent
469 the financial assets held in the security account are not:

470 (i) registered on the books of the issuer in the name of the person for which the
471 broker-dealer holds the assets;

472 (ii) payable to the order of the person;

473 (iii) specifically endorsed to the person; or

474 (iv) an equity interest in a business association not included in this Subsection (33).

475 (34) "Sign" means, with present intent to authenticate or adopt a record:

476 (a) to execute or adopt a tangible symbol; or

477 (b) to attach to or logically associate with the record an electronic symbol, sound, or
478 process.

479 (35) "State" means a state of the United States, the District of Columbia, the
480 Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular
481 possession subject to the jurisdiction of the United States.

482 (36) (a) "Stored-value card" means a record evidencing a promise made for
483 consideration by the seller or issuer of the record that goods, services, or money will be
484 provided to the owner of the record to the value or amount shown in the record.

485 (b) "Stored-value card" includes:

486 (i) a record that contains or consists of a microprocessor chip, magnetic strip, or other
487 means for the storage of information, which is prefunded and has value or amount that is
488 decreased on each use and increased by payment of additional consideration; and

489 (ii) a payroll card.

490 (c) "Stored-value card" does not include a:

491 (i) loyalty card;

492 (ii) gift card; or

493 (iii) game-related digital content.

494 (37) "Utility" means a person that owns or operates for public use a plant, equipment,
495 real property, franchise, or license for:

496 (a) the transmission of communications or information;

497 (b) the production, storage, transmission, sale, delivery, or furnishing of electricity,
498 water, steam, or gas; or

499 (c) the provision of sewage or septic services, or trash, garbage, or recycling disposal.

500 (38) (a) "Virtual currency" means a digital representation of value used as a medium of
501 exchange, unit of account, or store of value, which does not have legal tender status recognized
502 by the United States.

503 (b) "Virtual currency" does not include:

504 (i) the software or protocols governing the transfer of the digital representation of
505 value;

506 (ii) game-related digital content;

507 (iii) a loyalty card; or

508 (iv) a gift card.

509 (39) "Worthless security" means a security whose cost of liquidation and delivery to
510 the administrator would exceed the value of the security on the date a report is due under this
511 chapter.

512 Section 6. Section **67-4a-103** is repealed and reenacted to read:

513 **67-4a-103. Inapplicability to foreign transaction.**

514 This chapter does not apply to property held, due, and owing in a foreign country if the
515 transaction out of which the property arose was a foreign transaction.

516 Section 7. Section **67-4a-104** is enacted to read:

517 **67-4a-104. Rulemaking.**

518 (1) The administrator may adopt rules to implement and administer this chapter.

519 (2) The administrator shall follow the notice, hearing, and publication requirements of
520 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

521 Section 8. Section **67-4a-201** is repealed and reenacted to read:

522 **Part 2. Presumption of Abandonment**

523 **67-4a-201. When property presumed abandoned.**

524 Subject to Section 67-4a-210, the following property is presumed abandoned if the
525 property is unclaimed by the apparent owner during the period specified below:

526 (1) a traveler's check, 15 years after issuance;
527 (2) a money order, seven years after issuance;
528 (3) funds represented by a nonactivated stored-value card or other nonactivated
529 electronic payment medium that requires activation for use, including amounts held in a payroll
530 card, one year after the funds would have otherwise first been available to the owner;
531 (4) a state or municipal bond, bearer bond, or original-issue-discount bond, three years
532 after the earliest of the date the bond matures or is called or the obligation to pay the principal
533 of the bond arises;
534 (5) a debt of a business association, three years after the obligation to pay arises;
535 (6) a demand, savings, or time deposit, including a deposit that is automatically
536 renewable, three years after the earlier of maturity or the date of the last indication of interest in
537 the property by the apparent owner, except a deposit that is automatically renewable is
538 considered matured on the deposit's initial date of maturity unless the apparent owner
539 consented in a record on file with the holder to renewal at or about the time of the renewal;
540 (7) money or a credit owed to a customer as a result of a retail business transaction,
541 other than in-store credit for returned merchandise, three years after the obligation arose;
542 (8) an amount owed by an insurance company on a life or endowment insurance policy
543 or an annuity contract that has matured or terminated, three years after the obligation to pay
544 arose under the terms of the policy or contract or, if a policy or contract for which an amount is
545 owed on proof of death has not matured, by proof of the death of the insured or annuitant, as
546 follows:

547 (a) with respect to an amount owed on a life or endowment insurance policy, the earlier
548 of:

549 (i) three years after the death of the insured; or
550 (ii) two years after the insured has attained, or would have attained if living, the
551 limiting age under the mortality table on which the reserve for the policy is based; and
552 (b) with respect to an amount owed on an annuity contract, three years after the date
553 the insurance company has knowledge of the death of the annuitant;
554 (9) property distributable by a business association in the course of dissolution, one

555 year after the property becomes distributable;

556 (10) property held by a court, including property received as proceeds of a class action,
557 one year after the property becomes distributable;

558 (11) property held by a government or governmental subdivision, agency, or
559 instrumentality, including municipal bond interest and unredeemed principal under the
560 administration of a paying agent or indenture trustee, one year after the property becomes
561 distributable;

562 (12) wages, commissions, bonuses, or reimbursements to which an employee is
563 entitled, or other compensation for personal services, including amounts held in a payroll card,
564 one year after the amount becomes payable;

565 (13) a deposit or refund owed to a subscriber by a utility, one year after the deposit or
566 refund becomes payable; and

567 (14) property not specified in this section or Sections 67-4a-202 through 67-4a-208, the
568 earlier of three years after the owner first has a right to demand the property or the obligation to
569 pay or distribute the property arises.

570 Section 9. Section **67-4a-201.1** is enacted to read:

571 **67-4a-201.1. When abandonment period is accelerated.**

572 (1) Notwithstanding Section 67-4a-201 and subject to Section 67-4a-210, if the holder
573 has imposed a charge against property for reason of owner inactivity or the failure of the owner
574 to claim the property within a specified period of time and the abandonment period for the
575 property as specified in Section 67-4a-201 is greater than two years, the property shall instead
576 be presumed abandoned two years from the date of the owner's last indication of interest in the
577 property.

578 (2) If the holder has reason to believe that the owner is deceased and the abandonment
579 period for the owner's property as specified in Section 67-4a-201 is greater than two years, the
580 property shall instead be presumed abandoned two years from the date of the owner's last
581 indication of interest in the property.

582 (3) If the owner's property is subject to Section 67-4a-202 or 67-4a-203, the two-year
583 presumption of abandonment shall run from the earliest of:

584 (a) the date of the distribution or attempted distribution of the property;

585 (b) the date of the required distribution as stated in the plan or trust agreement

586 governing the plan; or

587 (c) the date, if determinable by the holder, specified in the income tax laws of the
588 United States by which distribution of the property shall begin in order to avoid a tax penalty.

589 Section 10. Section **67-4a-202** is repealed and reenacted to read:

590 **67-4a-202. When tax-deferred retirement account presumed abandoned.**

591 (1) Subject to Section 67-4a-210, property held in a pension account or retirement
592 account that qualifies for tax deferral under the income tax laws of the United States is
593 presumed abandoned if the property is unclaimed by the apparent owner three years after:

594 (a) the later of the following dates:

595 (i) except as in Subsection (1)(a)(ii), the date a communication sent by the holder by
596 first-class United States mail to the apparent owner is returned to the holder undelivered by the
597 United States Postal Service; or

598 (ii) if a communication under Subsection (1)(a)(i) is re-sent within 30 days after the
599 date the first communication is returned undelivered, the date the second communication was
600 returned undelivered by the United States Postal Service; or

601 (b) the earlier of the following dates:

602 (i) the date the apparent owner becomes 70.5 years of age, if determinable by the
603 holder; or

604 (ii) if the Internal Revenue Code, Sec. 1 et seq., requires distribution to avoid a tax
605 penalty, two years after the date the holder:

606 (A) receives confirmation of the death of the apparent owner in the ordinary course of
607 the holder's business; or

608 (B) confirms the death of the apparent owner under Subsection (2).

609 (2) If a holder in the ordinary course of the holder's business receives notice or an
610 indication of the death of an apparent owner and Subsection (1)(b) applies, the holder shall
611 attempt not later than 90 days after receipt of the notice or indication to confirm whether the
612 apparent owner is deceased.

613 (3) (a) Subject to Subsection (3)(b), if the holder does not send communications to the
614 apparent owner of an account described in Subsection (1) by first-class United States mail on at
615 least an annual basis, the holder shall attempt to confirm the apparent owner's interest in the
616 property by sending the apparent owner an electronic mail communication not later than two

617 years after the apparent owner's last indication of interest in the property.

618 (b) The holder shall promptly attempt to contact the apparent owner by first-class
619 United States mail if:

620 (i) the holder does not have information needed to send the apparent owner an
621 electronic mail communication or the holder believes that the apparent owner's electronic mail
622 address in the holder's records is not valid;

623 (ii) the holder receives notification that the electronic mail communication was not
624 received; or

625 (iii) the apparent owner does not respond to the electronic mail communication within
626 30 days after the communication was sent.

627 (4) If first-class United States mail sent under Subsection (3) is returned to the holder
628 undelivered by the United States Postal Service, the property is presumed abandoned three
629 years after the later of:

630 (a) except as in Subsection (4)(b), the date a communication to contact the apparent
631 owner sent by first-class United States mail is returned to the holder undelivered;

632 (b) if the communication under Subsection (4)(a) is re-sent within 30 days after the
633 date the first communication is returned undelivered, the date the second communication was
634 returned undelivered; or

635 (c) the date established by Subsection (1)(b).

636 Section 11. Section **67-4a-203** is repealed and reenacted to read:

637 **67-4a-203. When other tax-deferred account presumed abandoned.**

638 Subject to Section 67-4a-210 and except for property described in Section 67-4a-202
639 and property held in a plan described in Section 529A, Internal Revenue Code, property held in
640 an account or plan, including a health savings account, that qualifies for tax deferral under the
641 income tax laws of the United States is presumed abandoned if the property is unclaimed by
642 the apparent owner three years after the earlier of:

643 (1) the date, if determinable by the holder, specified in the income tax laws and
644 regulations of the United States by which distribution of the property must begin to avoid a tax
645 penalty, with no distribution having been made; or

646 (2) 30 years after the date the account was opened.

647 Section 12. Section **67-4a-204** is repealed and reenacted to read:

648 **67-4a-204. When custodial account for minor presumed abandoned.**

649 (1) Subject to Section [67-4a-210](#), property held in an account established under a state's
650 Uniform Gifts to Minors Act or Uniform Transfers to Minors Act is presumed abandoned if the
651 property is unclaimed by or on behalf of the minor on whose behalf the account was opened
652 three years after the later of:

653 (a) except as in Subsection (1)(b), the date a communication sent by the holder by
654 first-class United States mail to the custodian of the minor on whose behalf the account was
655 opened is returned undelivered to the holder by the United States Postal Service;

656 (b) if communication is re-sent within 30 days after the date the first communication
657 under Subsection (1)(a) is returned undelivered, the date the second communication was
658 returned undelivered; or

659 (c) the date on which the custodian is required to transfer the property to the minor or
660 the minor's estate in accordance with the Uniform Gifts to Minors Act or Uniform Transfers to
661 Minors Act of the state in which the account was opened.

662 (2) (a) Subject to Subsection (2)(b), if the holder does not send communications to the
663 custodian of the minor on whose behalf an account described in Subsection (1) was opened by
664 first-class United States mail on at least an annual basis, the holder shall attempt to confirm the
665 custodian's interest in the property by sending the custodian an electronic mail communication
666 not later than two years after the custodian's last indication of interest in the property.

667 (b) The holder shall promptly attempt to contact the custodian by first-class United
668 States mail if:

669 (i) the holder does not have information needed to send the custodian an electronic
670 mail communication or the holder believes that the custodian's electronic mail address in the
671 holder's records is not valid;

672 (ii) the holder receives notification that the electronic mail communication was not
673 received; or

674 (iii) the custodian does not respond to the electronic mail communication within 30
675 days after the communication was sent.

676 (3) If first-class United States mail sent under Subsection (2) is returned undelivered to
677 the holder by the United States Postal Service, the property is presumed abandoned three years
678 after the later of:

679 (a) the date a second consecutive communication to contact the custodian by first-class
680 United States mail is returned to the holder undelivered by the United States Postal Service; or

681 (b) the date established by Subsection (1)(c).

682 (4) When the property in the account described in Subsection (1) is transferred to the
683 minor on whose behalf an account was opened or to the minor's estate, the property in the
684 account is no longer subject to this section.

685 Section 13. Section **67-4a-205** is repealed and reenacted to read:

686 **67-4a-205. When contents of safe-deposit box presumed abandoned.**

687 Tangible property held in a safe-deposit box and proceeds from a sale of the property by
688 the holder permitted by law of this state other than this chapter are presumed abandoned if the
689 property remains unclaimed by the apparent owner five years after the earlier of the:

690 (1) expiration of the lease or rental period for the box; or

691 (2) earliest date when the lessor of the box is authorized by law of this state other than
692 this chapter to enter the box and remove or dispose of the contents without consent or
693 authorization of the lessee.

694 Section 14. Section **67-4a-206** is repealed and reenacted to read:

695 **67-4a-206. When stored-value card presumed abandoned.**

696 (1) Subject to Section **67-4a-210**, the net card value of a stored-value card, other than a
697 payroll card, is presumed abandoned on the latest of three years after:

698 (a) December 31 of the year in which the card is issued or additional funds are
699 deposited onto the card;

700 (b) the most recent indication of interest in the card by the apparent owner; or

701 (c) a verification or review of the balance by or on behalf of the apparent owner.

702 (2) The amount presumed abandoned in a stored-value card is the net card value at the
703 time the stored-value card is presumed abandoned.

704 Section 15. Section **67-4a-208** is repealed and reenacted to read:

705 **67-4a-208. When security presumed abandoned.**

706 (1) Subject to Section **67-4a-210**, a security is presumed abandoned upon the earlier of
707 the following:

708 (a) three years after the date a communication sent by the holder by first-class United
709 States mail to the apparent owner is returned to the holder undelivered by the United States

710 Postal Service, provided, however, that if the returned communication is re-sent within one
711 month to the apparent owner, the three-year period does not begin to run until the day the
712 re-sent item is returned as undeliverable; or

713 (b) five years after the date of the apparent owner's last indication of interest in the
714 security.

715 (2) (a) Subject to Subsection (2)(b), if the holder does not send communications to the
716 apparent owner of a security by first-class United States mail on at least an annual basis, the
717 holder shall attempt to confirm the apparent owner's interest in the security by sending the
718 apparent owner an electronic mail communication not later than three years after the apparent
719 owner's last indication of interest in the security.

720 (b) The holder shall promptly attempt to contact the apparent owner by first-class
721 United States mail if:

722 (i) the holder does not have information needed to send the apparent owner an
723 electronic mail communication or the holder believes that the apparent owner's electronic mail
724 address in the holder's records is not valid;

725 (ii) the holder receives notification that the electronic mail communication under
726 Subsection (2)(a) was not received; or

727 (iii) the apparent owner does not respond to the electronic mail communication under
728 Subsection (2)(a) within 30 days after the communication was sent.

729 (3) If first-class United States mail sent under Subsection (2) is returned to the holder
730 undelivered by the United States Postal Service, the security is presumed abandoned in
731 accordance with Subsection (1)(b) above.

732 (4) Notwithstanding the standards set forth in Subsections (1), (2) and (3), if the holder
733 has reason to believe that the owner is deceased, the property shall be presumed abandoned two
734 years after the date of death of the owner.

735 Section 16. Section **67-4a-209** is repealed and reenacted to read:

736 **67-4a-209. When related property presumed abandoned.**

737 At and after the time property is presumed abandoned under this chapter, any other
738 property right or interest accrued or accruing from the property and not previously presumed
739 abandoned is also presumed abandoned.

740 Section 17. Section **67-4a-210** is repealed and reenacted to read:

741 **67-4a-210. Indication of apparent owner interest in property.**

742 (1) The period after which property is presumed abandoned is measured from the later
743 of:

744 (a) the date the property is presumed abandoned under this part; or

745 (b) the latest indication of interest by the apparent owner in the property.

746 (2) Under this chapter, an indication of an apparent owner's interest in property
747 includes:

748 (a) a record communicated by the apparent owner to the holder or agent of the holder
749 concerning the property or the account in which the property is held;

750 (b) an oral communication by the apparent owner to the holder or agent of the holder
751 concerning the property or the account in which the property is held, if the holder or the
752 holder's agent contemporaneously makes and preserves a record of the fact of the apparent
753 owner's communication;

754 (c) presentment of a check or other instrument of payment of a dividend, interest
755 payment, or other distribution, or evidence of receipt of a distribution made by electronic or
756 similar means, with respect to an account, underlying security, or interest in a business
757 association;

758 (d) activity directed by an apparent owner in the account in which the property is held,
759 including accessing the account or information concerning the account, or a direction by the
760 apparent owner to increase, decrease, or otherwise change the amount or type of property held
761 in the account;

762 (e) a deposit into or withdrawal from an account at a banking organization or financial
763 organization, except for an automatic deposit or withdrawal previously authorized by the
764 apparent owner or an automatic reinvestment of dividends or interest; and

765 (f) subject to Subsection (5), payment of a premium on an insurance policy.

766 (3) An action by an agent or other representative of an apparent owner, other than the
767 holder acting as the apparent owner's agent, is presumed to be an action on behalf of the
768 apparent owner.

769 (4) A communication with an apparent owner by a person other than the holder or the
770 holder's representative is not an indication of interest in the property by the apparent owner
771 unless a record of the communication evidences the apparent owner's knowledge of a right to

772 the property.

773 (5) If the insured dies or the insured or beneficiary of an insurance policy otherwise
774 becomes entitled to the proceeds before depletion of the cash surrender value of the policy by
775 operation of an automatic premium loan provision or other nonforfeiture provision contained in
776 the policy, the operation does not prevent the policy from maturing or terminating.

777 Section 18. Section **67-4a-211** is repealed and reenacted to read:

778 **67-4a-211. Knowledge of death of insured or annuitant.**

779 (1) In this section, "death master file" means the United States Social Security
780 Administration Death Master File or other database or service that is at least as comprehensive
781 as the United States Social Security Administration Death Master File for determining that an
782 individual reportedly has died.

783 (2) With respect to a life or endowment insurance policy or annuity contract for which
784 an amount is owed on proof of death, but which has not matured by proof of death of the
785 insured or annuitant, the company has knowledge of the death of an insured or annuitant when:

786 (a) the company receives a death certificate or court order determining that the insured
787 or annuitant has died;

788 (b) the company:

789 (i) receives notice of the death of the insured or annuitant from the administrator or an
790 unclaimed property administrator of another state, a beneficiary, a policy owner, a relative of
791 the insured, or a trustee or from an executor or other legal representative of the insured's or
792 annuitant's estate; and

793 (ii) validates the death of the insured or annuitant;

794 (c) the company conducts a comparison for any purpose between a death master file
795 and the names of some or all of the company's insureds or annuitants, finds a match that
796 provides notice that the insured or annuitant has died; or

797 (d) the administrator or the administrator's agent conducts a comparison for the
798 purpose of finding matches during an examination conducted under Part 10, Verified Report of
799 Property and Examination of Records, between a death master file and the names of some or all
800 of the company's insureds or annuitants, finds a match that provides notice that the insured or
801 annuitant has died.

802 (3) The following rules apply under this section:

803 (a) a death master file match under Subsection (2)(c) or (d) occurs if the criteria for an
804 exact or partial match are satisfied as provided by either:

805 (i) a law of this state other than this chapter, including Section [31A-22-1903](#); or

806 (ii) a rule or policy adopted by the Insurance Department;

807 (b) the death master file match does not constitute proof of death for the purpose of
808 submission to an insurance company of a claim by a beneficiary, annuitant, or owner of the
809 policy or contract for an amount due under an insurance policy or annuity contract;

810 (c) a death master file match or validation of the insured's or annuitant's death does not
811 alter the requirements for a beneficiary, annuitant, or owner of the policy or contract to make a
812 claim to receive proceeds under the terms of the policy or contract; and

813 (d) an insured or an annuitant is presumed dead if the date of the person's death is
814 indicated by the death master file match under either Subsection (2)(c) or (d), unless the insurer
815 has competent and substantial evidence that the person is living, including a contact made by
816 the insurer with the person or the person's legal representative.

817 (4) If no provision in Section [31A-22-1903](#) establishes a time for validation of a death
818 of an insured or annuitant, the insurance company shall make a good faith effort using other
819 available records and information to validate the death and document the effort taken not later
820 than 90 days after the insurance company has notice of the death.

821 (5) This chapter does not affect the determination of the extent to which an insurance
822 company before the effective date of this chapter had knowledge of the death of an insured or
823 annuitant or was required to conduct a death master file comparison to determine whether
824 amounts owed by the company on a life or endowment insurance policy or annuity contract
825 were presumed abandoned or unclaimed.

826 Section 19. Section [67-4a-212](#) is repealed and reenacted to read:

827 **67-4a-212. Deposit account for proceeds of insurance policy or annuity contract.**

828 If proceeds payable under a life or endowment insurance policy or annuity contract are
829 deposited into an account with check- or draft-writing privileges for the beneficiary of the
830 policy or contract and, under a supplementary contract not involving annuity benefits other
831 than death benefits, the proceeds are retained by the insurance company, the financial
832 organization, or the banking organization where the account is held, the policy or contract
833 includes the assets in the account.

834 Section 20. Section **67-4a-301** is repealed and reenacted to read:

835 **Part 3. Rules for Taking Custody of Property Presumed Abandoned**

836 **67-4a-301. Address of apparent owner to establish priority.**

837 In this part, the following rules apply:

838 (1) the last known address of an apparent owner is any description, code, or other
839 indication of the location of the apparent owner that identifies the state, even if the description,
840 code, or indication of location is not sufficient to direct the delivery of first-class United States
841 mail to the apparent owner;

842 (2) if the United States postal zip code associated with the apparent owner is for a post
843 office located in this state, this state is considered to be the state of the last known address of
844 the apparent owner unless other records associated with the apparent owner specifically
845 identify the physical address of the apparent owner to be in another state;

846 (3) if the address under Subsection (2) is in another state, the other state is considered
847 to be the state of the last-known address of the apparent owner; and

848 (4) the address of the apparent owner of a life or endowment insurance policy or
849 annuity contract or the policy's or contract's proceeds is presumed to be the address of the
850 insured or annuitant if a person other than the insured or annuitant is entitled to the amount
851 owed under the policy or contract and the address of the other person is not known by the
852 insurance company and cannot be determined under Section **67-4a-302**.

853 Section 21. Section **67-4a-302** is repealed and reenacted to read:

854 **67-4a-302. Address of apparent owner in this state.**

855 The administrator may take custody of property that is presumed abandoned, whether
856 located in this state, another state, or a foreign country if:

857 (1) the last known address of the apparent owner in the records of the holder is in this
858 state; or

859 (2) the records of the holder do not reflect the identity or last known address of the
860 apparent owner, but the administrator has determined that the last known address of the
861 apparent owner is in this state.

862 Section 22. Section **67-4a-303** is repealed and reenacted to read:

863 **67-4a-303. If records show multiple addresses of apparent owner.**

864 (1) Except as in Subsection (2), if records of a holder reflect multiple addresses for an

865 apparent owner and this state is the state of the most recently recorded address, this state may
866 take custody of property presumed abandoned, whether located in this state or another state.

867 (2) If it appears from records of the holder that the most recently recorded address of
868 the apparent owner under Subsection (1) is a temporary address and this state is the state of the
869 next most recently recorded address that is not a temporary address, this state may take custody
870 of the property presumed abandoned.

871 Section 23. Section **67-4a-304** is enacted to read:

872 **67-4a-304. Holder domiciled in this state.**

873 (1) Except as in Subsection (2) or Section 67-4a-302 or 67-4a-303, the administrator
874 may take custody of property presumed abandoned, whether located in this state, another state,
875 or a foreign country, if the holder is domiciled in this state or is this state or a governmental
876 subdivision, agency, or instrumentality of this state, and:

877 (a) another state or foreign country is not entitled to the property because there is no
878 last known address of the apparent owner or other person entitled to the property in the records
879 of the holder; or

880 (b) the state or foreign country of the last known address of the apparent owner or other
881 person entitled to the property does not provide for custodial taking of the property.

882 (2) Property is not subject to custody of the administrator under Subsection (1) if the
883 property is specifically exempt from custodial taking under the law of this state or the state or
884 foreign country of the last known address of the apparent owner.

885 (3) If a holder's state of domicile has changed since the time property was presumed
886 abandoned, the holder's state of domicile in this section is considered to be the state where the
887 holder was domiciled at the time the property was presumed abandoned.

888 Section 24. Section **67-4a-305** is enacted to read:

889 **67-4a-305. Custody if transaction took place in this state.**

890 Except as in Section 67-4a-302, 67-4a-303, or 67-4a-304, the administrator may take
891 custody of property presumed abandoned whether located in this state or another state if:

892 (1) the transaction out of which the property arose took place in this state;

893 (2) the holder is domiciled in a state that does not provide for the custodial taking of
894 the property, except that if the property is specifically exempt from custodial taking under the
895 law of the state of the holder's domicile, the property is not subject to the custody of the

896 administrator; and

897 (3) the last known address of the apparent owner or other person entitled to the
898 property is unknown or in a state that does not provide for the custodial taking of the property,
899 except that if the property is specifically exempt from custodial taking under the law of the
900 state of the last known address, the property is not subject to the custody of the administrator.

901 Section 25. Section **67-4a-306** is enacted to read:

902 **67-4a-306. Traveler's check, money order, or similar instrument.**

903 The administrator may take custody of sums payable on a traveler's check, money order,
904 or similar instrument presumed abandoned to the extent permissible under 12 U.S.C. Secs.
905 2501 through 2503.

906 Section 26. Section **67-4a-307** is enacted to read:

907 **67-4a-307. Burden of proof to establish administrator's right to custody.**

908 Subject to Part 4, Report by Holder, if the administrator asserts a right to custody of
909 unclaimed property and there is a dispute concerning such property, the administrator has the
910 initial burden to prove:

911 (1) the existence and amount of the property;

912 (2) the property is presumed abandoned; and

913 (3) the property is subject to the custody of the administrator.

914 Section 27. Section **67-4a-401** is repealed and reenacted to read:

915 **Part 4. Report by Holder**

916 **67-4a-401. Report required by holder.**

917 (1) (a) A holder of property presumed abandoned and subject to the custody of the
918 administrator shall report in a record to the administrator concerning the property.

919 (b) A holder shall report via the Internet in a format approved by the administrator,
920 unless the administrator gives a holder specific permission to file a paper report.

921 (2) A holder may contract with a third party to make the report required under
922 Subsection (1).

923 (3) Whether or not a holder contracts with a third party under Subsection (2), the
924 holder is responsible:

925 (a) to the administrator for the complete, accurate, and timely reporting of property
926 presumed abandoned; and

927 (b) for paying or delivering to the administrator property described in the report.

928 Section 28. Section [67-4a-402](#) is repealed and reenacted to read:

929 **67-4a-402. Content of report.**

930 (1) The report required under Section [67-4a-401](#) shall:

931 (a) be signed by or on behalf of the holder and verified as to the report's completeness
932 and accuracy;

933 (b) if filed electronically, be in a secure format approved by the administrator that
934 protects confidential information of the apparent owner;

935 (c) describe the property;

936 (d) except for a traveler's check, money order, or similar instrument, contain the name,
937 if known, last known address, if known, and social security number or taxpayer identification
938 number, if known or readily ascertainable, of the apparent owner of property with a value of
939 \$50 or more;

940 (e) for an amount held or owing under a life or endowment insurance policy or annuity
941 contract, contain the name and last known address of the insured, annuitant, or other apparent
942 owner of the policy or contract and of the beneficiary;

943 (f) for property held in or removed from a safe-deposit box, indicate the location of the
944 property, where the property may be inspected by the administrator, and any amounts owed to
945 the holder under Section [67-4a-606](#);

946 (g) contain the commencement date for determining abandonment under Part 2,
947 Presumption of Abandonment;

948 (h) state that the holder has complied with the notice requirements of Section
949 [67-4a-501](#);

950 (i) identify property that is a nonfreely transferable security and explain why the
951 property is a nonfreely transferable security; and

952 (j) contain other information the administrator prescribes by rules.

953 (2) (a) A report under Section [67-4a-401](#) may include in the aggregate items valued
954 under \$50 each.

955 (b) If the report includes items in the aggregate valued under \$50 each, the
956 administrator may not require the holder to provide the name and address of an apparent owner
957 of an item unless the information is necessary to verify or process a claim in progress by the

958 apparent owner.

959 (3) A report under Section 67-4a-401 may include personal information as defined in
960 Subsection 67-4a-1401(1) about the apparent owner or the apparent owner's property.

961 (4) If a holder has changed the holder's name while holding property presumed
962 abandoned or is a successor to another person that previously held the property for the apparent
963 owner, the holder shall include in the report under Section 67-4a-401:

964 (a) the holder's former name or the name of the previous holder, if any; and

965 (b) the known name and address of each previous holder of the property.

966 Section 29. Section 67-4a-403 is repealed and reenacted to read:

967 **67-4a-403. When report to be filed.**

968 (1) Subject to Subsection (2), the report under Section 67-4a-401 shall be filed before
969 November 1 of each year and cover the 12 months preceding July 1 of that year.

970 (2) (a) Before the date for filing the report under Section 67-4a-401, the holder of
971 property presumed abandoned may request the administrator to extend the time for filing.

972 (b) The administrator may grant an extension.

973 (c) If the extension is granted, the holder may pay or make a partial payment of the
974 amount the holder estimates ultimately will be due.

975 (d) The payment or partial payment terminates accrual of interest on the amount paid.

976 Section 30. Section 67-4a-404 is repealed and reenacted to read:

977 **67-4a-404. Retention of records by holder.**

978 (1) A holder required to file a report under Section 67-4a-401 shall retain records for
979 10 years after the later of the date the report was filed or the last date a timely report was due to
980 be filed, unless a shorter period is provided by rule of the administrator.

981 (2) The holder may satisfy the requirement to retain records under this section through
982 an agent.

983 (3) The records shall contain:

984 (a) the information required to be included in the report;

985 (b) the date, place, and nature of the circumstances that gave rise to the property right;

986 (c) the amount or value of the property;

987 (d) the last address of the apparent owner, if known to the holder; and

988 (e) if the holder sells, issues, or provides to others for sale or issue in this state

989 traveler's checks, money orders, or similar instruments, other than third-party bank checks, on
990 which the holder is directly liable, a record of the instruments while they remain outstanding
991 indicating the state and date of issue.

992 Section 31. Section **67-4a-405** is repealed and reenacted to read:

993 **67-4a-405. Property reportable and payable or deliverable absent owner demand.**

994 Property is reportable and payable or deliverable under this chapter even if the owner
995 fails to make demand or present an instrument or document otherwise required to obtain
996 payment.

997 Section 32. Section **67-4a-501** is repealed and reenacted to read:

998 **Part 5. Notice to Apparent Owner of Property Presumed Abandoned**

999 **67-4a-501. Notice to apparent owner by holder.**

1000 (1) Subject to Subsections (2) and (3), the holder of property presumed abandoned
1001 shall send to the apparent owner notice by first-class United States mail that complies with
1002 Section **67-4a-502** in a format acceptable to the administrator not more than 180 days nor less
1003 than 60 days before filing the report under Section **67-4a-401** if:

1004 (a) the holder has in the holder's records an address for the apparent owner that the
1005 holder's records do not disclose to be invalid and is sufficient to direct the delivery of first-class
1006 United States mail to the apparent owner; and

1007 (b) the value of the property is \$50 or more.

1008 (2) If an apparent owner has consented to receive electronic mail delivery from the
1009 holder, the holder shall send the notice described in Subsection (1) both by first-class United
1010 States mail to the apparent owner's last-known mailing address and by electronic mail, unless
1011 the holder believes that the apparent owner's electronic mail address is invalid.

1012 (3) The holder of securities presumed abandoned under Section **67-4a-202**, **67-4a-203**,
1013 or **67-4a-208** shall send to the apparent owner notice by certified United States mail that
1014 complies with Section **67-4a-502** in a format acceptable to the administrator not less than 60
1015 days before filing the report under Section **67-4a-401** if:

1016 (a) the holder has in the holder's records an address for the apparent owner that the
1017 holder's records do not disclose to be invalid and is sufficient to direct the delivery of United
1018 States mail to the apparent owner; and

1019 (b) the value of the property is \$1,000 or more.

1020 (4) A signed return receipt in response to a notice sent pursuant to this section by
1021 certified United States mail shall constitute a record communicated by the apparent owner to
1022 the holder concerning the property or the account in which the property is held.

1023 Section 33. Section **67-4a-502** is repealed and reenacted to read:

1024 **67-4a-502. Contents of notice by holder.**

1025 (1) Notice under Section 67-4a-501 shall contain a heading that reads substantially as
1026 follows:

1027 "Notice. The State of Utah requires us to notify you that your property may be
1028 transferred to the custody of the state's unclaimed property administrator if you do not contact
1029 us before (insert date that is 30 days after the date of this notice)."

1030 (2) The notice under Section 67-4a-501 shall:

1031 (a) identify the nature and, except for property that does not have a fixed value, the
1032 value of the property that is the subject of the notice;

1033 (b) state that the property will be turned over to the administrator;

1034 (c) state that after the property is turned over to the administrator an apparent owner
1035 that seeks return of the property may file a claim with the administrator;

1036 (d) state that property that is not legal tender of the United States may be sold by the
1037 administrator;

1038 (e) provide instructions that the apparent owner shall follow to prevent the holder from
1039 reporting and paying or delivering the property to the administrator; and

1040 (f) include the name, address, and electronic mail address or telephone number to
1041 contact the holder.

1042 (3) The holder may supplement the required information by listing a website where
1043 apparent owners may obtain more information about how to prevent the holder from reporting
1044 and paying or delivering the property to the state treasurer.

1045 Section 34. Section **67-4a-503** is enacted to read:

1046 **67-4a-503. Notice by administrator.**

1047 (1) The administrator shall give notice to an apparent owner that property presumed
1048 abandoned and that appears to be owned by the apparent owner is held by the administrator
1049 under this chapter.

1050 (2) In providing notice under Subsection (1), the administrator shall:

1051 (a) except as otherwise provided in Subsection (2)(b), send written notice by first-class
1052 United States mail to each apparent owner of property valued at \$50 or more held by the
1053 administrator, unless the administrator determines that a mailing by first-class United States
1054 mail would not be received by the apparent owner, and, in the case of a security held in an
1055 account for which the apparent owner had consented to receiving electronic mail from the
1056 holder, send notice by electronic mail if the electronic mail address of the apparent owner is
1057 known to the administrator instead of by first-class United States mail; or

1058 (b) send the notice to the apparent owner's electronic mail address if the administrator
1059 does not have a valid United States mail address for an apparent owner, but has an electronic
1060 mail address that the administrator does not know to be invalid.

1061 (3) In addition to the notice under Subsection (2), the administrator shall publish every
1062 12 months in at least one English language newspaper of general circulation in this state notice
1063 of property held by the administrator, which shall include:

1064 (a) the total value of property received by the administrator during the preceding
1065 12-month period, taken from the reports under Section [67-4a-401](#);

1066 (b) the total value of claims paid by the administrator during the preceding 12-month
1067 period;

1068 (c) the Internet web address of the unclaimed property website maintained by the
1069 administrator;

1070 (d) a telephone number and electronic mail address to contact the administrator to
1071 inquire about or claim property; and

1072 (e) a statement that a person may access the Internet by a computer to search for
1073 unclaimed property, and a computer may be available as a service to the public at a local public
1074 library.

1075 (4) (a) The administrator shall maintain a website accessible by the public and
1076 electronically searchable that contains the names reported to the administrator of apparent
1077 owners for whom property is being held by the administrator.

1078 (b) The administrator is not required to list property on the website if:

1079 (i) no owner name was reported;

1080 (ii) a claim has been initiated or is pending for the property;

1081 (iii) the Office of the State Treasurer has made direct contact with the apparent owner

1082 of the property; or

1083 (iv) the administrator reasonably believes exclusion of the property is in the best
1084 interests of both the state and the owner of the property.

1085 (5) The website or database maintained under Subsection (4) shall include instructions
1086 for filing with the administrator a claim to property and a printable claim form with
1087 instructions.

1088 (6) (a) At least annually the administrator shall notify the State Tax Commission of the
1089 names of all persons appearing to be owners of abandoned property under this chapter.

1090 (b) The administrator shall also provide to the State Tax Commission the social
1091 security numbers of the persons, if available.

1092 (c) The State Tax Commission shall:

1093 (i) notify the administrator if any person under Subsection (6)(a) has filed a Utah
1094 income tax return in that year; and

1095 (ii) provide the administrator with the person's address that appears on the tax return.

1096 (d) In order to facilitate the return of property under this Subsection (6), the
1097 administrator and the State Tax Commission may enter into an interagency agreement
1098 concerning protection of confidential information, data match rules, and other issues.

1099 (7) (a) If the value of the property that is owed the person is \$2,000 or less:

1100 (i) the person is not required to file a claim under Section [67-4a-903](#); and

1101 (ii) the administrator shall deliver the property or pay the amount owing to the person
1102 in the manner provided under Section [67-4a-905](#).

1103 (b) If the value of the property that is owed the person is greater than \$2,000, the
1104 administrator shall send written notice to the person informing the person that the person:

1105 (i) is the owner of abandoned property held by the state; and

1106 (ii) may file a claim with the administrator for return of the property.

1107 (8) The administrator may use publicly and commercially available databases to find
1108 and update or add information for apparent owners of property held by the administrator.

1109 (9) In addition to giving notice under Subsection (2), publishing the information under
1110 Subsection (3), and maintaining the website or database under Subsection (4), the administrator
1111 may use other printed publication, telecommunication, the Internet, or other media to inform
1112 the public of the existence of unclaimed property held by the administrator.

1113 Section 35. Section **67-4a-504** is enacted to read:

1114 **67-4a-504. Cooperation among state officers and agencies to locate apparent**
1115 **owner.**

1116 (1) Unless prohibited by law of this state other than this chapter, on request of the
1117 administrator, each officer, agency, board, commission, division, and department of this state,
1118 any body politic and corporate created by this state for a public purpose, and each political
1119 subdivision of this state shall:

1120 (a) make books and records available to the administrator; and

1121 (b) cooperate with the administrator to determine the current address of an apparent
1122 owner of property held by the administrator under this chapter.

1123 (2) At the administrator's discretion, the administrator may also enter into data sharing
1124 agreements to enable other governmental agencies to provide an additional notice to apparent
1125 owners of property held by the administrator.

1126 Section 36. Section **67-4a-601** is repealed and reenacted to read:

1127 **Part 6. Taking Custody of Property by Administrator**

1128 **67-4a-601. Definition of good faith.**

1129 In this chapter, payment or delivery of property is made in good faith if a holder:

1130 (1) had a reasonable basis for believing, based on the facts then known, that the
1131 property was required or permitted to be paid or delivered to the administrator under this
1132 chapter; or

1133 (2) made payment or delivery:

1134 (a) in response to a demand by the administrator or administrator's agent; or

1135 (b) under a guidance or ruling issued by the administrator that the holder reasonably
1136 believed required or permitted the property to be paid or delivered.

1137 Section 37. Section **67-4a-602** is repealed and reenacted to read:

1138 **67-4a-602. Dormancy charge.**

1139 (1) A holder may deduct a dormancy charge from property required to be paid or
1140 delivered to the administrator if:

1141 (a) a valid contract between the holder and the apparent owner authorizes imposition of
1142 the charge for the apparent owner's failure to claim the property within a specified time; and

1143 (b) the holder regularly imposes the charge and regularly does not reverse or otherwise

1144 cancel the charge.

1145 (2) The amount of the deduction under Subsection (1) is limited to an amount that is
1146 not unconscionable considering all relevant factors, including:

1147 (a) the marginal transactional costs incurred by the holder in maintaining the apparent
1148 owner's property; and

1149 (b) any services received by the apparent owner.

1150 Section 38. Section **67-4a-603** is enacted to read:

1151 **67-4a-603. Payment or delivery of property to administrator.**

1152 (1) (a) Except as otherwise provided in this section, on filing a report under Section
1153 67-4a-401 the holder shall pay or deliver to the administrator the property described in the
1154 report.

1155 (b) If property in a report under Section 67-4a-401 is an automatically renewable
1156 deposit and a penalty or forfeiture in the payment of interest would result from paying the
1157 deposit to the administrator at the time of the report, the date for payment of the property to the
1158 administrator is extended until a penalty or forfeiture no longer would result from payment, if
1159 the holder informs the administrator of the extended date.

1160 (2) Tangible property in a safe-deposit box may not be delivered to the administrator
1161 until 120 days after filing the report under Section 67-4a-401.

1162 (3) If property reported to the administrator under Section 67-4a-401 is a security, the
1163 administrator may:

1164 (a) make an endorsement, instruction, or entitlement order on behalf of the apparent
1165 owner to invoke the duty of the issuer, the transfer agent, or the securities intermediary to
1166 transfer the security; or

1167 (b) dispose of the security under Section 67-4a-702.

1168 (4) (a) If the holder of property reported to the administrator under Section 67-4a-401
1169 is the issuer of a certificated security, the administrator may obtain a replacement certificate in
1170 physical or book-entry form under Section 70A-8-405.

1171 (b) An indemnity bond is not required under Subsection (4)(a).

1172 (5) The administrator shall establish procedures for the registration, issuance, method
1173 of delivery, transfer, and maintenance of securities delivered to the administrator by a holder.

1174 (6) An issuer, holder, and transfer agent or other person acting in good faith under this

1175 section under instructions of and on behalf of the issuer or holder is not liable to the apparent
1176 owner for, and shall be indemnified by the state against, a claim arising with respect to property
1177 after the property has been delivered to the administrator.

1178 (7) (a) A holder is not required to deliver to the administrator a security identified by
1179 the holder as a nonfreely transferable security in a report filed under Section 67-4a-401.

1180 (b) If the administrator or holder determines that a security is no longer a nonfreely
1181 transferable security, the holder shall deliver the security on the next regular date prescribed for
1182 delivery of securities under this chapter.

1183 (c) The holder shall make a determination annually whether a security identified in a
1184 report filed under Section 67-4a-401 as a nonfreely transferable security is no longer a
1185 nonfreely transferable security.

1186 Section 39. Section **67-4a-604** is enacted to read:

1187 **67-4a-604. Effect of payment or delivery of property to administrator.**

1188 (1) On payment or delivery of property to the administrator under this chapter, the
1189 administrator as agent for the state assumes custody and responsibility for safekeeping the
1190 property.

1191 (2) A holder that pays or delivers property to the administrator in good faith and
1192 substantially complies with Sections 67-4a-501 and 67-4a-502 is relieved of all liability that
1193 thereafter may arise or be made in respect to the property to the extent of the value of the
1194 property so paid or delivered.

1195 (3) (a) In the event legal proceedings are instituted by any other state or states in any
1196 state or federal court with respect to unclaimed funds or abandoned property previously paid or
1197 delivered to the administrator, the holder shall give written notification to the administrator and
1198 the attorney general of this state of the proceedings within 10 days after service of process, or
1199 in the alternative at least 10 days before the return date or date on which an answer or similar
1200 pleading is due or any extension thereof secured by the holder.

1201 (b) The attorney general may take such action as considered necessary or expedient to
1202 protect the interests of the state of Utah.

1203 (c) The attorney general, by written notice before the return date or date on which an
1204 answer or similar pleading is due or any extension thereof secured by the holder, but in any
1205 event in reasonably sufficient time for the holder to comply with the directions received, shall

1206 either direct the holder:

1207 (i) to actively defend in the proceedings; or

1208 (ii) that no defense need be entered in the proceedings.

1209 (d) (i) If a direction is received from the attorney general that the holder need not make
1210 a defense under Subsection (3)(c)(ii), the holder is not precluded from entering a defense in the
1211 holder's own name.

1212 (ii) If a defense is made by the holder on the holder's own initiative, the holder is not
1213 entitled to reimbursement for legal fees, costs, and other expenses as provided in this section
1214 for defenses made pursuant to the directions of the attorney general.

1215 (e) If, after the holder has actively defended in the proceedings pursuant to a direction
1216 of the attorney general or has been notified in writing by the attorney general that no defense
1217 need be made with respect to the funds, a judgment is entered against the holder for any
1218 amount paid to the administrator under this chapter, the administrator shall, upon being
1219 furnished with proof of payment in satisfaction of the judgment, reimburse the holder the
1220 amount paid.

1221 (f) The administrator shall also reimburse the holder for any legal fees, costs, and other
1222 directly related expenses incurred in legal proceedings undertaken pursuant to the direction of
1223 the attorney general.

1224 Section 40. Section **67-4a-605** is enacted to read:

1225 **67-4a-605. Recovery of property by holder from administrator.**

1226 (1) A holder that under this chapter pays money to the administrator may file a claim
1227 for reimbursement from the administrator of the amount paid if the holder:

1228 (a) paid the money in error; or

1229 (b) after paying the money to the administrator, paid money to a person the holder
1230 reasonably believed entitled to the money.

1231 (2) (a) If a claim for reimbursement under Subsection (1) is made for a payment made
1232 on a negotiable instrument, including a traveler's check, money order, or similar instrument, the
1233 holder shall submit proof that the instrument was presented and payment was made to a person
1234 the holder reasonably believed entitled to payment.

1235 (b) The holder may claim reimbursement even if the payment was made to a person
1236 whose claim was made after expiration of a period of limitation on the owner's right to receive

1237 or recover property, whether specified by contract, statute, or court order.

1238 (3) If a holder is reimbursed by the administrator under Subsection (1)(b), the holder
1239 may also recover from the administrator income or gain under Section 67-4a-607 that would
1240 have been paid to the owner if the money had been claimed from the administrator by the
1241 owner to the extent the income or gain was paid by the holder to the owner.

1242 (4) (a) A holder that under this chapter delivers property other than money to the
1243 administrator may file a claim for return of the property from the administrator if:

1244 (i) the holder delivered the property in error; or

1245 (ii) the apparent owner has claimed the property from the holder.

1246 (b) If a claim for return of property under Subsection (4)(a) is made, the holder shall
1247 include with the claim evidence sufficient to establish that the apparent owner has claimed the
1248 property from the holder or that the property was delivered by the holder to the administrator in
1249 error.

1250 (5) The administrator may determine that an affidavit submitted by a holder is evidence
1251 sufficient to establish that the holder is entitled to reimbursement or to recover property under
1252 this section.

1253 (6) A holder is not required to pay a fee or other charge for reimbursement or return of
1254 property under this section.

1255 (7) (a) Not later than 90 days after a claim is filed under Subsection (1) or (4), the
1256 administrator shall allow or deny the claim and give the claimant notice of the decision in a
1257 record.

1258 (b) If the administrator does not take action on a claim during the 90-day period, the
1259 claim is considered denied.

1260 (8) The claimant may initiate a proceeding under Section 63G-4-301, for review of the
1261 administrator's decision or the considered denial under Subsection (7)(b) not later than:

1262 (a) 30 days following receipt of the notice of the administrator's decision; or

1263 (b) 120 days following the filing of a claim under Subsection (1) or (4) in the case of a
1264 considered denial under Subsection (7)(b).

1265 (9) A final decision in an administrative proceeding initiated under Subsection (8) is
1266 subject to judicial review by the court as a matter of right in a de novo proceeding on the record
1267 in which either party is entitled to introduce evidence as a supplement to the record.

1268 Section 41. Section **67-4a-606** is enacted to read:

1269 **67-4a-606. Property removed from safe-deposit box.**

1270 (1) Property removed from a safe-deposit box and delivered to the administrator under
1271 this chapter is subject to:

1272 (a) the holder's right to reimbursement for the cost of opening the box; and

1273 (b) a lien or contract providing reimbursement to the holder for unpaid rent charges for
1274 the box.

1275 (2) The administrator shall reimburse the holder from the proceeds remaining after
1276 deducting the expense incurred by the administrator in selling the property.

1277 Section 42. Section **67-4a-607** is enacted to read:

1278 **67-4a-607. Crediting income or gain to owner's account.**

1279 (1) If property other than money is delivered to the administrator, the owner is entitled
1280 to receive from the administrator income or gain realized or accrued on the property before the
1281 property is sold.

1282 (2) Interest on money, including interest on interest bearing property, is not payable to
1283 an owner for periods where the property is in the possession of the state.

1284 Section 43. Section **67-4a-608** is enacted to read:

1285 **67-4a-608. Administrator's options as to custody.**

1286 (1) The administrator may decline to take custody of property reported under Section
1287 67-4a-401 if the administrator determines that:

1288 (a) the property has a value less than the estimated expenses of notice and sale of the
1289 property; or

1290 (b) taking custody of the property would be unlawful.

1291 (2) A holder may pay or deliver property to the administrator before the property is
1292 presumed abandoned under this chapter if the holder:

1293 (a) sends the apparent owner of the property notice required by Section 67-4a-501 and
1294 provides the administrator evidence of the holder's compliance with this Subsection (2);

1295 (b) includes with the payment or delivery a report regarding the property conforming to
1296 Section 67-4a-402; and

1297 (c) first obtains the administrator's consent in a record to accept payment or delivery.

1298 (3) (a) A holder's request for the administrator's consent under Subsection (2)(c) shall

1299 be in a record.

1300 (b) If the administrator fails to respond to the request not later than 30 days after
1301 receipt of the request, the administrator is considered to consent to the payment or delivery of
1302 the property and the payment or delivery is considered to have been made in good faith.

1303 (4) On payment or delivery of property under Subsection (2), the property is presumed
1304 abandoned.

1305 Section 44. Section **67-4a-609** is enacted to read:

1306 **67-4a-609. Disposition of property having no substantial value -- Immunity from**
1307 **liability.**

1308 (1) If the administrator takes custody of property delivered under this chapter and later
1309 determines that the property has no substantial commercial value or that the cost of disposing
1310 of the property will exceed the value of the property, the administrator may return the property
1311 to the holder or destroy or otherwise dispose of the property.

1312 (2) An action or proceeding may not be commenced against the state, an agency of the
1313 state, the administrator, another officer, employee, or agent of the state, or a holder for or
1314 because of an act of the administrator under this section, except for intentional misconduct or
1315 malfeasance.

1316 Section 45. Section **67-4a-610** is enacted to read:

1317 **67-4a-610. Periods of limitation and repose.**

1318 (1) Expiration, before, on, or after the effective date of this chapter, of a period of
1319 limitation on an owner's right to receive or recover property, whether specified by contract,
1320 statute, or court order, does not prevent the property from being presumed abandoned or affect
1321 the duty of a holder under this chapter to file a report or pay or deliver property to the
1322 administrator.

1323 (2) An action or proceeding may not be maintained by the administrator to enforce this
1324 chapter in regard to the reporting, delivery, or payment of property more than 10 years after the
1325 holder:

1326 (a) (i) filed a nonfraudulent report under Section [67-4a-401](#) with the administrator; and

1327 (ii) specifically identified the property in the report filed with the administrator under
1328 Subsection (2)(a); or

1329 (b) gave express notice to the administrator of a dispute regarding the property.

1330 (3) (a) In the absence of a report or other express notice under Subsection (2), the
1331 period of limitation is tolled.

1332 (b) The period of limitation is also tolled by the filing of a report that is fraudulent.

1333 Section 46. Section **67-4a-701** is repealed and reenacted to read:

1334 **Part 7. Sale of Property by Administrator**

1335 **67-4a-701. Public sale of property.**

1336 (1) Subject to Section 67-4a-702, not earlier than three years after receipt of property
1337 presumed abandoned, the administrator may sell the property.

1338 (2) Before selling property under Subsection (1), the administrator shall give notice to
1339 the public of:

1340 (a) the date of the sale; and

1341 (b) a reasonable description of the property.

1342 (3) A sale under Subsection (1) shall be to the highest bidder:

1343 (a) at a public sale at a location in this state that the administrator determines to be the
1344 most favorable market for the property;

1345 (b) on the Internet; or

1346 (c) on another forum the administrator determines likely to yield the highest net
1347 proceeds of sale.

1348 (4) The administrator may decline the highest bid at a sale under this section and
1349 reoffer the property for sale if the administrator determines the highest bid is insufficient.

1350 (5) If a sale held under this section is to be conducted other than on the Internet, the
1351 administrator shall cause to be published at least one notice of the sale, at least two weeks but
1352 not more than five weeks before the sale, in a newspaper of general circulation in the county in
1353 which the property is to be sold.

1354 (6) (a) Property eligible for sale will not be sold if a claim has been filed with the
1355 administrator by an apparent owner, heir, or agent.

1356 (b) Upon approval of a claim, the owner, heir, or agent may request the administrator
1357 to dispose of the property by sale and remit the net proceeds to the owner, heir, or agent.

1358 (c) Upon disapproval of the claim, the administrator may dispose of the property by
1359 sale.

1360 Section 47. Section **67-4a-702** is repealed and reenacted to read:

1361 **67-4a-702. Disposal of securities.**1362 (1) The administrator may sell all securities and other negotiable financial instruments
1363 upon receipt of such items using any commercially reasonable method.1364 (2) The administrator may not sell a security listed on an established stock exchange
1365 for less than the price prevailing on the exchange at the time of sale.1366 (3) The administrator may sell a security not listed on an established exchange by any
1367 commercially reasonable method.1368 Section 48. Section **67-4a-703** is repealed and reenacted to read:1369 **67-4a-703. Recovery of securities or value by owner.**1370 (1) The administrator may not be held liable for any loss or gain in the value that the
1371 financial instrument would have obtained had the financial instrument been held instead of
1372 being sold.1373 (2) Upon approval of a claim, the owner, heir, or agent may request the administrator
1374 to dispose of the securities by sale and remit the net proceeds to the owner, heir, or agent.1375 (3) Upon disapproval of the claim, the administrator may dispose of the securities by
1376 sale.1377 Section 49. Section **67-4a-704** is repealed and reenacted to read:1378 **67-4a-704. Purchaser owns property after sale.**1379 (1) A purchaser of property at a sale conducted by the administrator under this chapter
1380 takes the property free of all claims of the owner, a previous holder, or a person claiming
1381 through the owner or holder.1382 (2) The administrator shall execute documents necessary to complete the transfer of
1383 ownership to the purchaser.1384 Section 50. Section **67-4a-705** is repealed and reenacted to read:1385 **67-4a-705. Military medal or decoration.**1386 (1) The administrator may not sell a medal or decoration awarded for military service
1387 in the armed forces of the United States.1388 (2) The administrator, with the consent of the respective organization under Subsection
1389 (2)(a), agency under Subsection (2)(b), or entity under Subsection (2)(c), may deliver a medal
1390 or decoration described in Subsection (1), to be held in custody for the owner, to:1391 (a) a military veterans organization qualified under 26 U.S.C. Sec. 501(c)(19);

1392 (b) the agency that awarded the medal or decoration; or

1393 (c) a governmental entity.

1394 (3) On delivery under Subsection (2), the administrator is not responsible for
1395 safekeeping the medal or decoration.

1396 Section 51. Section **67-4a-801** is repealed and reenacted to read:

1397 **Part 8. Administration of Property**

1398 **67-4a-801. Deposit of funds by administrator.**

1399 (1) (a) There is created a private-purpose trust fund entitled the "Unclaimed Property
1400 Trust Fund."

1401 (b) Except as otherwise provided in this section, the administrator shall deposit all
1402 funds received under this chapter, including proceeds from the sale of property under Part 7
1403 Sale of Property by Administrator, in the fund.

1404 (c) The fund shall earn interest.

1405 (2) The administrator shall:

1406 (a) pay any legitimate claims or deductions authorized by this chapter from the fund;

1407 (b) before the end of the fiscal year, estimate the amount of money from the fund that
1408 will ultimately be needed to be paid to claimants; and

1409 (c) at the end of the fiscal year, transfer any amount in excess of that amount to the
1410 Uniform School Fund, except that unclaimed restitution for crime victims shall be transferred
1411 to the Crime Victim Reparations Fund.

1412 (3) Before making any transfer to the Uniform School Fund, the administrator may
1413 deduct from the fund:

1414 (a) amounts appropriated by the Legislature for administration of this chapter;

1415 (b) any costs incurred in connection with the sale of abandoned property;

1416 (c) costs of mailing and publication in connection with any abandoned property;

1417 (d) reasonable service charges; and

1418 (e) costs incurred in examining records of holders of property and in collecting the
1419 property from those holders.

1420 Section 52. Section **67-4a-802** is repealed and reenacted to read:

1421 **67-4a-802. Administrator to retain records of property.**

1422 The administrator shall:

1423 (1) record and retain the name and last known address of each person shown on a
1424 report filed under Section 67-4a-401 to be the apparent owner of property delivered to the
1425 administrator;

1426 (2) record and retain the name and last known address of each insured or annuitant and
1427 beneficiary shown on the report;

1428 (3) for each policy of insurance or annuity contract listed in the report of an insurance
1429 company, record and retain the policy or account number, the name of the company, and the
1430 amount due or paid; and

1431 (4) for each apparent owner listed in the report, record and retain the name of the
1432 holder that filed the report and the amount due or paid.

1433 Section 53. Section **67-4a-803** is enacted to read:

1434 **67-4a-803. Expenses and service charges of administrator.**

1435 Before making a deposit of funds received under this chapter to the Uniform School
1436 Fund or the Crime Victim Reparations Fund, the administrator may deduct:

1437 (1) expenses of disposition of property delivered to the administrator under this
1438 chapter;

1439 (2) costs of mailing and publication in connection with property delivered to the
1440 administrator under this chapter;

1441 (3) reasonable service charges; and

1442 (4) expenses incurred in examining records of or collecting property from a putative
1443 holder or holder.

1444 Section 54. Section **67-4a-804** is enacted to read:

1445 **67-4a-804. Administrator holds property as custodian for owner.**

1446 Property received by the administrator under this chapter is held in custody for the
1447 benefit of the owner and is not owned by the state.

1448 Section 55. Section **67-4a-901** is repealed and reenacted to read:

1449 **Part 9. Claim to Recover Property from Administrator**

1450 **67-4a-901. Claim of another state to recover property.**

1451 (1) If the administrator knows that property held by the administrator under this chapter
1452 is subject to a superior claim of another state, the administrator shall:

1453 (a) report and pay or deliver the property to the other state; or

1454 (b) return the property to the holder so that the holder may pay or deliver the property
1455 to the other state.

1456 (2) The administrator is not required to enter into an agreement to transfer property to
1457 the other state under Subsection (1).

1458 Section 56. Section **67-4a-902** is repealed and reenacted to read:

1459 **67-4a-902. When property subject to recovery by another state.**

1460 (1) Property held under this chapter by the administrator is subject to the right of
1461 another state to take custody of the property if:

1462 (a) (i) the property was paid or delivered to the administrator because the records of the
1463 holder did not reflect a last known address in the other state of the apparent owner; and

1464 (ii) (A) the other state establishes that the last known address of the apparent owner or
1465 other person entitled to the property was in the other state; or

1466 (B) under the law of the other state, the property has become subject to a claim by the
1467 other state of abandonment;

1468 (b) the records of the holder did not accurately identify the owner of the property, the
1469 last known address of the owner was in another state, and, under the law of the other state, the
1470 property has become subject to a claim by the other state of abandonment;

1471 (c) the property was subject to the custody of the administrator of this state under
1472 Section **67-4a-305** and, under the law of the state of domicile of the holder, the property has
1473 become subject to a claim by the state of domicile of the holder of abandonment; or

1474 (d) the property:

1475 (i) is a sum payable on a traveler's check, money order, or similar instrument that was
1476 purchased in the other state and delivered to the administrator under Section **67-4a-306**; and

1477 (ii) under the law of the other state, has become subject to a claim by the other state of
1478 abandonment.

1479 (2) A claim by another state to recover property under this section shall be presented in
1480 a form prescribed by the administrator, unless the administrator waives presentation of the
1481 form.

1482 (3) (a) The administrator shall decide a claim under this section not later than 90 days
1483 after it is presented.

1484 (b) If the administrator determines that the other state is entitled under Subsection (1)

1485 to custody of the property, the administrator shall allow the claim and pay or deliver the
1486 property to the other state.

1487 (4) The administrator may require another state, before recovering property under this
1488 section, to agree to indemnify this state and its agents, officers, and employees against any
1489 liability on a claim to the property.

1490 Section 57. Section **67-4a-903** is enacted to read:

1491 **67-4a-903. Claim for property by person claiming to be owner.**

1492 (1) (a) A person claiming to be the owner of property held under this chapter by the
1493 administrator may file a claim for the property on a form prescribed by the administrator.

1494 (b) The claimant shall verify the claim as to its completeness and accuracy.

1495 (2) If the owner claiming the unclaimed property is a creditor the following apply:

1496 (a) (i) the exclusive remedy for satisfying a creditor's judgement is payment of a claim
1497 under the act; and

1498 (ii) a writ of attachment, garnishment, or execution is prohibited on unclaimed
1499 property;

1500 (b) a creditor may only receive the value of the creditor's judgment or the amount held
1501 by the administrator, whichever is less; and

1502 (c) the administrator may waive the requirement in Subsection (1) and may pay or
1503 deliver property directly to a person if:

1504 (i) the person receiving the property or payment is shown to be the apparent owner
1505 included on a report filed under Section [67-4a-401](#);

1506 (ii) the administrator reasonably believes the person is entitled to receive the property
1507 or payment; and

1508 (iii) the property has a value of less than \$500.

1509 Section 58. Section **67-4a-904** is enacted to read:

1510 **67-4a-904. When administrator shall honor claim for property.**

1511 (1) The administrator shall pay or deliver property to a claimant under Subsection
1512 [67-4a-903](#)(1) if the administrator receives evidence sufficient to establish to the satisfaction of
1513 the administrator that the claimant is the owner of the property.

1514 (2) Not later than 90 days after a claim is filed under Subsection [67-4a-903](#)(1), the
1515 administrator shall allow or deny the claim and give the claimant notice in a record of the

1516 decision.

1517 (3) If the claim is denied under Subsection (2):

1518 (a) the administrator shall inform the claimant of the reason for the denial and specify
1519 what additional evidence, if any, is required for the claim to be allowed;

1520 (b) the claimant may file an amended claim with the administrator or commence an
1521 action under Subsection 67-4a-906; and

1522 (c) the administrator shall consider an amended claim filed under Subsection (3)(b) as
1523 an initial claim.

1524 (4) If the administrator does not take action on a claim during the 90-day period
1525 following the filing of a claim under Subsection 67-4a-903(1), the claim is considered denied.

1526 Section 59. Section **67-4a-905** is enacted to read:

1527 **67-4a-905. Allowance of claim for property.**

1528 (1) (a) The administrator shall pay or deliver to the owner the property or pay to the
1529 owner the net proceeds of a sale of the property together with income or gain to which the
1530 owner is entitled under Section 67-4a-607.

1531 (b) On request of the owner, the administrator may sell or liquidate a security and pay
1532 the net proceeds to the owner.

1533 (2) Property held under this chapter by the administrator is subject to a claim for the
1534 payment of an enforceable debt the owner owes in this state for:

1535 (a) child support arrearages, including child support collection costs and child support
1536 arrearsages that are combined with maintenance;

1537 (b) a civil or criminal fine or penalty, court costs, a surcharge, or restitution imposed by
1538 a final order of an administrative agency or a final court judgment; or

1539 (c) state taxes, penalties, and interest that have been determined to be delinquent or as
1540 to which notice has been recorded with the State Tax Commission.

1541 (3) (a) Before delivery or payment to an owner under Subsection (1) of property or
1542 payment to the owner of net proceeds of a sale of the property, the administrator first shall
1543 apply the property or net proceeds to a debt under Subsection (2) the administrator determines
1544 is owed by the owner.

1545 (b) The administrator shall pay the amount to the appropriate state agency and notify
1546 the owner of the payment.

1547 (4) (a) The administrator may make periodic inquiries of state agencies in the absence
1548 of a claim filed under Section 67-4a-903 to determine whether an apparent owner included in
1549 the unclaimed property records of this state has enforceable debts described in Subsection (2).

1550 (b) The administrator first shall apply the property or net proceeds of a sale of property
1551 held by the administrator to a debt under Subsection (2) of an apparent owner that appears in
1552 the records of the administrator and deliver the amount to the appropriate state agency.

1553 (c) The administrator shall notify the apparent owner of the payment.

1554 Section 60. Section 67-4a-906 is enacted to read:

1555 **67-4a-906. Action by person whose claim is denied.**

1556 Not later than one year after filing a claim under Subsection 67-4a-903(1), the claimant
1557 may commence an action against the administrator in the district court to establish a claim that
1558 has been denied or considered denied under Subsection 67-4a-904(2).

1559 Section 61. Section 67-4a-1001 is enacted to read:

1560 **Part 10. Verified Report of Property and Examination of Records**

1561 **67-4a-1001. Verified report of property.**

1562 (1) If a person does not file a report required by Section 67-4a-401 or the administrator
1563 believes that a person may have filed an inaccurate, incomplete, or false report, the
1564 administrator may require the person to file a verified report in a form prescribed by the
1565 administrator.

1566 (2) The verified report under Subsection (1) shall:

1567 (a) state whether the person is holding property reportable under this chapter;

1568 (b) describe property not previously reported or about which the administrator has
1569 inquired;

1570 (c) specifically identify property described under Subsection (2)(b) about which there is
1571 a dispute whether it is reportable under this chapter; and

1572 (d) state the amount or value of the property.

1573 Section 62. Section 67-4a-1002 is enacted to read:

1574 **67-4a-1002. Examination of records to determine compliance.**

1575 The administrator, at reasonable times and on reasonable notice, may:

1576 (1) examine the records of a person, including examination of appropriate records in
1577 the possession of an agent of the person under examination, if the records are reasonably

1578 necessary to determine whether the person has complied with this chapter;

1579 (2) issue an administrative subpoena requiring the person or agent of the person to
1580 make records available for examination; and

1581 (3) bring an action seeking judicial enforcement of the subpoena.

1582 Section 63. Section **67-4a-1003** is enacted to read:

1583 **67-4a-1003. Rules for conducting examination.**

1584 (1) (a) The administrator may adopt rules governing procedures and standards for an
1585 examination under Section [67-4a-1002](#).

1586 (b) The rules may reference any standards concerning unclaimed property
1587 examinations promulgated by the National Association of Unclaimed Property Administrators.

1588 (2) An examination under Section [67-4a-1002](#) shall be performed under rules adopted
1589 under Subsection (1).

1590 (3) If a person subject to examination under Section [67-4a-1002](#) has filed the reports
1591 required under Section [67-4a-401](#) and Section [67-4a-1001](#) and has retained the records required
1592 by Section [67-4a-404](#), the following rules apply:

1593 (a) the examination shall include a review of the person's records;

1594 (b) the examination may not be based on an estimate unless the person expressly
1595 consents in a record to the use of an estimate; and

1596 (c) the person conducting the examination shall consider the evidence presented in
1597 good faith by the person in preparing the findings of the examination under Section
1598 [67-4a-1007](#).

1599 Section 64. Section **67-4a-1004** is enacted to read:

1600 **67-4a-1004. Records obtained in examination.**

1601 Records obtained and records, including work papers, compiled by the administrator in
1602 the course of conducting an examination under Section [67-4a-1002](#):

1603 (1) are subject to the confidentiality and security provisions of Part 14, Confidentiality
1604 and Security of Information, and are not public records;

1605 (2) may be used by the administrator in an action to collect property or otherwise
1606 enforce this chapter;

1607 (3) may be used in a joint examination conducted with another state, the United States,
1608 a foreign country or subordinate unit of a foreign country, or any other governmental entity if

1609 the governmental entity conducting the examination is legally bound to maintain the
1610 confidentiality and security of information obtained from a person subject to examination in a
1611 manner substantially equivalent to Part 14, Confidentiality and Security of Information;

1612 (4) shall be disclosed, on request, to the person that administers the unclaimed property
1613 law of another state for that state's use in circumstances equivalent to circumstances described
1614 in this part, if the other state is required to maintain the confidentiality and security of
1615 information obtained in a manner substantially equivalent to Part 14, Confidentiality and
1616 Security of Information;

1617 (5) shall be produced by the administrator under an administrative or judicial subpoena
1618 or administrative or court order; and

1619 (6) shall be produced by the administrator on request of the person subject to the
1620 examination in an administrative or judicial proceeding relating to the property.

1621 Section 65. Section **67-4a-1005** is enacted to read:

1622 **67-4a-1005. Evidence of unpaid debt or undischarged obligation.**

1623 (1) A record of a putative holder showing an unpaid debt or undischarged obligation is
1624 prima facie evidence of the debt or obligation.

1625 (2) A putative holder may establish by a preponderance of the evidence that there is no
1626 unpaid debt or undischarged obligation for a debt or obligation described in Subsection (1) or
1627 that the debt or obligation was not, or no longer is, a fixed and certain obligation of the putative
1628 holder.

1629 (3) A putative holder may overcome prima facie evidence under Subsection (1) by
1630 establishing by a preponderance of the evidence that a check, draft, or similar instrument was:

1631 (a) issued as an unaccepted offer in settlement of an unliquidated amount;

1632 (b) issued but later was replaced with another instrument because the earlier instrument
1633 was lost or contained an error that was corrected;

1634 (c) issued to a party affiliated with the issuer;

1635 (d) paid, satisfied, or discharged;

1636 (e) issued in error;

1637 (f) issued without consideration;

1638 (g) issued but there was a failure of consideration;

1639 (h) voided within a reasonable time after issuance for a valid business reason set forth

1640 in a contemporaneous record; or

1641 (i) issued but not delivered to the third-party payee for a sufficient reason recorded
1642 within a reasonable time after issuance.

1643 (4) In asserting a defense under this section, a putative holder may present evidence of
1644 a course of dealing between the putative holder and the apparent owner or of custom and
1645 practice.

1646 Section 66. Section **67-4a-1006** is enacted to read:

1647 **67-4a-1006. Failure of person examined to retain records.**

1648 (1) If a person subject to examination under Section 67-4a-1002 does not retain the
1649 records required by Section 67-4a-404, the administrator may determine the value of property
1650 due using a reasonable method of estimation based on all information available to the
1651 administrator, including extrapolation and use of statistical sampling when appropriate and
1652 necessary, consistent with examination procedures and standards adopted under Subsection
1653 67-4a-1003(1) and in accordance with Subsection 67-4a-1003(2).

1654 (2) A payment made based on estimation under this section is a penalty for failure to
1655 maintain the records required by Section 67-4a-404 and does not relieve a person from an
1656 obligation to report and deliver property to a state in which the holder is domiciled.

1657 Section 67. Section **67-4a-1007** is enacted to read:

1658 **67-4a-1007. Report to person whose records were examined.**

1659 At the conclusion of an examination under Section 67-4a-1002, unless waived in
1660 writing by the person being examined, the administrator shall provide to the person whose
1661 records were examined a report that specifies:

1662 (1) the work performed;

1663 (2) the property types reviewed;

1664 (3) the methodology of any estimation technique, extrapolation, or statistical sampling
1665 used in conducting the examination;

1666 (4) each calculation showing the value of property determined to be due; and

1667 (5) the findings of the person conducting the examination.

1668 Section 68. Section **67-4a-1008** is enacted to read:

1669 **67-4a-1008. Informal conference.**

1670 (1) If a person subject to examination under Section 67-4a-1002 believes the person

1671 conducting the examination has made an unreasonable or unauthorized request or is not
1672 proceeding expeditiously to complete the examination, the person in a record may request an
1673 informal conference with the administrator.

1674 (2) (a) If a person in a record requests an informal conference with the administrator,
1675 the administrator shall hold the informal conference not later than 30 days after receiving the
1676 request.

1677 (b) For good cause, and after notice in a record to the person requesting an informal
1678 conference, the administrator may extend the time for the holding of an informal conference.

1679 (c) The administrator may hold the informal conference in person, by telephone, or by
1680 electronic means.

1681 (3) If an informal conference is held under Subsection (2), not later than 30 days after
1682 the conference ends, the administrator shall provide a response to the person that requested the
1683 conference.

1684 (4) (a) The administrator may deny a request for an informal conference under this
1685 section if the administrator reasonably believes that the request was made in bad faith or
1686 primarily to delay the examination.

1687 (b) If the administrator denies a request for an informal conference, the denial shall be
1688 in a record provided to the person requesting the informal conference.

1689 Section 69. Section **67-4a-1009** is enacted to read:

1690 **67-4a-1009. Administrator's contract with another to conduct examination.**

1691 (1) The administrator may contract with a person to conduct an examination under this
1692 chapter.

1693 (2) If the administrator contracts with a person under Subsection (1):

1694 (a) the contract may provide for compensation of the person based on a fixed fee,
1695 hourly fee, or contingent fee; and

1696 (b) a contingent fee arrangement may not provide for a payment that exceeds 15% of
1697 the amount or value of property paid or delivered as a result of the examination.

1698 (3) A contract under Subsection (1) is a public record under Section [63G-2-301](#).

1699 Section 70. Section **67-4a-1010** is enacted to read:

1700 **67-4a-1010. Report by administrator to state official.**

1701 (1) Not later than three months after the end of the fiscal year, the administrator shall

1702 compile and submit a report to the treasurer, president of the Senate, and speaker of the House.

1703 (2) The report shall contain the following information about property presumed

1704 abandoned for the preceding fiscal year for the state:

1705 (a) the total amount and value of all property paid or delivered under this chapter to the
1706 administrator, separated into:

1707 (i) the part voluntarily paid or delivered; and

1708 (ii) the part paid or delivered as a result of an examination under Section [67-4a-1002](#);

1709 (b) the total amount and value of all property paid or delivered by the administrator to

1710 persons that made claims for property held by the administrator;

1711 (c) the total amount expended to provide notice to apparent owners under Section

1712 [67-4a-503](#); and

1713 (d) other information the administrator believes would be useful or informative.

1714 Section 71. Section **67-4a-1011** is enacted to read:

1715 **67-4a-1011. Determination of liability for unreported reportable property.**

1716 If the administrator determines from an examination conducted under Section

1717 [67-4a-1002](#) that a putative holder failed or refused to pay or deliver to the administrator

1718 property that is reportable under this chapter, the administrator shall issue a determination of

1719 the putative holder's liability to pay or deliver and give notice in a record to the putative holder

1720 of the determination.

1721 Section 72. Section **67-4a-1101** is enacted to read:

1722 **Part 11. Determination of Liability and**

1723 **Putative Holder Remedies**

1724 **67-4a-1101. Informal conference.**

1725 (1) (a) Not later than 30 days after receipt of a notice under Section [67-4a-1011](#), the

1726 putative holder may request an informal conference with the administrator to review the

1727 determination.

1728 (b) Except as otherwise provided in this section, the administrator may designate an
1729 employee to act on behalf of the administrator.

1730 (2) If a putative holder makes a timely request under Subsection (1) for an informal

1731 conference:

1732 (a) not later than 20 days after the date of the request, the administrator shall set the

1733 time and place of the conference;

1734 (b) the administrator shall give the putative holder notice in a record of the time and
1735 place of the conference;

1736 (c) the conference may be held in person, by telephone, or by electronic means, as
1737 determined by the administrator;

1738 (d) the request tolls the 90-day period under Sections [67-4a-1103](#) and [67-4a-1104](#) until
1739 notice of a decision under Subsection (2)(g) has been given to the putative holder or the
1740 putative holder withdraws the request for the conference;

1741 (e) the conference may be postponed, adjourned, and reconvened as the administrator
1742 determines appropriate;

1743 (f) the administrator or the administrator's designee with the approval of the
1744 administrator may modify a determination made under Section [67-4a-1011](#) or withdraw it; and

1745 (g) the administrator shall issue a decision in a record and provide a copy of the record
1746 to the putative holder and examiner not later than 20 days after the conference ends.

1747 (3) (a) A conference under Subsection (2) is not an administrative remedy and is not a
1748 contested case subject to the state administrative procedure act.

1749 (b) An oath is not required and rules of evidence do not apply in the conference.

1750 (4) At a conference under Subsection (2), the putative holder shall be given an
1751 opportunity to confer informally with the administrator and the person that examined the
1752 records of the putative holder to:

1753 (a) discuss the determination made under Section [67-4a-1011](#); and

1754 (b) present any issue concerning the validity of the determination.

1755 (5) If the administrator fails to act within the period prescribed in Subsection (2)(a) or
1756 (g), the failure does not affect a right of the administrator, except that interest does not accrue
1757 on the amount for which the putative holder was determined to be liable under Section
1758 [67-4a-1011](#) during the period in which the administrator failed to act until the earlier of:

1759 (a) the date under Section [67-4a-1103](#) the putative holder initiates administrative
1760 review or files an action under Section [67-4a-1104](#); or

1761 (b) 90 days after the putative holder received notice of the administrator's
1762 determination under Section [67-4a-1011](#) if no review was initiated under Section [67-4a-1103](#)
1763 and no action was filed under Section [67-4a-1104](#).

1764 (6) The administrator may hold an informal conference with a putative holder about a
1765 determination under Section [67-4a-1011](#) without a request at any time before the putative
1766 holder initiates administrative review under Section [67-4a-1103](#) or files an action under Section
1767 [67-4a-1104](#).

1768 (7) Interest and penalties under Section [67-4a-1204](#) continue to accrue on property not
1769 reported, paid, or delivered as required by this chapter after the initiation, and during the
1770 pendency, of an informal conference under this section.

1771 Section 73. Section **67-4a-1102** is enacted to read:

1772 **67-4a-1102. Review of administrator's determination.**

1773 A putative holder may seek relief from a determination under Section [67-4a-1011](#) by:

1774 (1) administrative review under Section [67-4a-1103](#); or

1775 (2) judicial review under Section [67-4a-1104](#).

1776 Section 74. Section **67-4a-1103** is enacted to read:

1777 **67-4a-1103. Administrative review.**

1778 (1) Not later than 30 days after receiving notice of the administrator's determination
1779 under Section [67-4a-1011](#), a putative holder may initiate a proceeding under Section
1780 [63G-4-301](#) for review of the administrator's determination.

1781 (2) A final decision in an administrative proceeding initiated under Subsection (1) is
1782 subject to judicial review by the district court as a matter of right in a de novo proceeding on
1783 the record in which either party is entitled to introduce evidence as a supplement to the record.

1784 Section 75. Section **67-4a-1104** is enacted to read:

1785 **67-4a-1104. Judicial remedy.**

1786 (1) Not later than 90 days after receiving notice of the administrator's determination
1787 under Section [67-4a-1011](#), the putative holder may:

1788 (a) file an action against the administrator in the district court challenging the
1789 administrator's determination of liability and seeking a declaration that the determination is
1790 unenforceable, in whole or in part; or

1791 (b) pay the amount or deliver the property determined by the administrator to be paid
1792 or delivered to the administrator and, not later than six months after payment or delivery, file
1793 an action against the administrator in the district court for a refund of all or part of the amount
1794 paid or return of all or part of the property delivered.

1795 (2) If a putative holder pays or delivers property the administrator determined shall be
1796 paid or delivered to the administrator at any time after the putative holder files an action under
1797 Subsection (1)(a), the court shall continue the action as if the action had been filed originally as
1798 an action for a refund or return of property under Subsection (1)(b).

1799 (3) On the final determination of an action filed under Subsection (1), the court may,
1800 on application, award to the prevailing party the prevailing party's reasonable attorney fees,
1801 costs, and expenses of litigation.

1802 (4) A putative holder that is the prevailing party in an action under this section for
1803 refund of money paid to the administrator is entitled to interest on the amount refunded, at the
1804 same rate a holder is required to pay to the administrator under Subsection 67-4a-1204(1), from
1805 the date paid to the administrator until the date of the refund.

1806 Section 76. Section **67-4a-1201** is enacted to read:

1807 **Part 12. Enforcement by Administrator**

1808 **67-4a-1201. Judicial action to enforce liability.**

1809 (1) (a) If a determination under Section 67-4a-1011 becomes final and is not subject to
1810 administrative or judicial review, the administrator may commence an action in the district
1811 court or in a district court of another state to enforce the determination and secure payment or
1812 delivery of past due, unpaid, or undelivered property.

1813 (b) The action shall be brought not later than one year after the determination becomes
1814 final.

1815 (2) In an action under Subsection (1), if no court in this state has jurisdiction over the
1816 defendant, the administrator may commence an action in any court having jurisdiction over the
1817 defendant.

1818 Section 77. Section **67-4a-1202** is enacted to read:

1819 **67-4a-1202. Interstate and international agreement -- Cooperation.**

1820 (1) Subject to Subsection (2), the administrator may:

1821 (a) exchange information with another state or foreign country relating to property
1822 presumed abandoned or relating to the possible existence of property presumed abandoned; and

1823 (b) authorize in a record another state or foreign country or a person acting on behalf of
1824 the other state or foreign country to examine the other state or foreign country's records of a
1825 putative holder as provided in Part 10, Verified Report of Property and Examination of

1826 Records.

1827 (2) An exchange or examination under Subsection (1) may be done only if the state or
1828 foreign country has confidentiality and security requirements substantially equivalent to those
1829 in Part 14, Confidentiality and Security of Information, or agrees in a record to be bound by
1830 this state's confidentiality and security requirements.

1831 Section 78. Section **67-4a-1203** is enacted to read:

1832 **67-4a-1203. Action involving another state or foreign country.**

1833 (1) The administrator may join another state or foreign country to examine and seek
1834 enforcement of this chapter against a putative holder.

1835 (2) On request of another state or foreign country, the attorney general may commence
1836 an action on behalf of the other state or foreign country to enforce, in this state, the law of the
1837 other state or foreign country against a putative holder subject to a claim by the other state or
1838 foreign country, if the other state or foreign country agrees to pay costs incurred by the attorney
1839 general in the action.

1840 (3) (a) The administrator may request the official authorized to enforce the unclaimed
1841 property law of another state or foreign country to commence an action to recover property in
1842 the other state or foreign country on behalf of the administrator.

1843 (b) This state shall pay the costs, including reasonable attorney fees and expenses,
1844 incurred by the other state or foreign country in an action under this Subsection (3).

1845 (4) The administrator may pursue an action on behalf of this state to recover property
1846 subject to this chapter but delivered to the custody of another state if the administrator believes
1847 the property is subject to the custody of the administrator.

1848 (5) The attorney general may retain an attorney for the administrator in this state,
1849 another state, or a foreign country to commence an action to recover property on behalf of the
1850 administrator and may agree to pay attorney fees based in whole or in part on a fixed fee, an
1851 hourly fee, or a percentage of the amount or value of property recovered in the action.

1852 (6) (a) Expenses incurred by this state in an action under this section may be paid from
1853 property received under this chapter or the net proceeds of the property.

1854 (b) Expenses paid to recover property may not be deducted from the amount that is
1855 subject to a claim under this chapter by the owner.

1856 Section 79. Section **67-4a-1204** is enacted to read:

1857 **67-4a-1204. Interest and penalty for failure to act in timely manner.**

1858 (1) A holder that fails to report, pay, or deliver property within the time prescribed by
1859 this chapter shall pay to the administrator interest at an annual rate calculated based on the
1860 federal short-term rate determined by the secretary of the treasury under Section 6621, Internal
1861 Revenue Code, in effect for the preceding fourth calendar quarter plus four percentage points
1862 on the property or value of the property from the date the property should have been reported,
1863 paid, or delivered to the administrator until the date reported, paid, or delivered.

1864 (2) Except as otherwise provided in Section [67-4a-1205](#) or [67-4a-1206](#), the
1865 administrator may require a holder that fails to report, pay, or deliver property within the time
1866 prescribed by this chapter to pay to the administrator, in addition to interest included under
1867 Subsection (1), a civil penalty of \$200 for each day the duty is not performed, up to a
1868 cumulative maximum amount of \$5,000.

1869 Section 80. Section **67-4a-1205** is enacted to read:

1870 **67-4a-1205. Other civil penalties.**

1871 (1) If a holder enters into a contract or other arrangement for the purpose of evading an
1872 obligation under this chapter or otherwise willfully fails to perform a duty imposed on the
1873 holder under this chapter, the administrator may require the holder to pay the administrator, in
1874 addition to interest as provided in Subsection [67-4a-1204](#)(1), a civil penalty of \$1,000 for each
1875 day the obligation is evaded or the duty is not performed, up to a cumulative maximum amount
1876 of \$25,000, plus 25% of the amount or value of property that should have been but was not
1877 reported, paid, or delivered as a result of the evasion or failure to perform.

1878 (2) If a holder makes a fraudulent report under this chapter, the administrator may
1879 require the holder to pay to the administrator, in addition to interest under Subsection
1880 [67-4a-1204](#)(1), a civil penalty of \$1,000 for each day from the date the report was made until
1881 corrected, up to a cumulative maximum of \$25,000, plus 25% of the amount or value of any
1882 property that should have been reported but was not included in the report or was under
1883 reported.

1884 Section 81. Section **67-4a-1206** is enacted to read:

1885 **67-4a-1206. Waiver of interest and penalty.**

1886 The administrator:

1887 (1) may waive, in whole or in part, interest under Subsection [67-4a-1204](#)(1) and

1888 penalties under Subsection [67-4a-1204\(2\)](#) or Section [67-4a-1205](#); and

1889 (2) may waive a penalty under Subsection [67-4a-1204\(2\)](#) if the administrator
1890 determines that the holder acted in good faith and without negligence.

1891 Section 82. Section **67-4a-1301** is enacted to read:

1892 **Part 13. Agreement to Locate Property of Apparent**
1893 **Owner Held by Administrator**

1894 **67-4a-1301. When agreement to locate property enforceable.**

1895 An agreement by an apparent owner and another person, the primary purpose of which
1896 is to locate, deliver, recover, or assist in the location, delivery, or recovery of property held by
1897 the administrator, is enforceable only if the agreement:

1898 (1) is in a record that clearly states the nature of the property and the services to be
1899 provided;

1900 (2) is signed by or on behalf of the apparent owner; and

1901 (3) states the amount or value of the property reasonably expected to be recovered,
1902 computed before and after a fee or other compensation to be paid to the person has been
1903 deducted.

1904 Section 83. Section **67-4a-1302** is enacted to read:

1905 **67-4a-1302. When agreement to locate property void.**

1906 (1) Subject to Subsection (2), an agreement under Section [67-4a-1301](#) is void if the
1907 agreement is entered into during the period beginning on the date the property was paid or
1908 delivered by a holder to the administrator and ending 24 months after the payment or delivery.

1909 (2) If a provision in an agreement described in Subsection (1) applies to mineral
1910 proceeds for which compensation is to be paid to the other person based in whole or in part on
1911 a part of the underlying minerals or mineral proceeds not then presumed abandoned, the
1912 provision is void regardless of when the agreement was entered into.

1913 (3) (a) An agreement under Subsection (1) that provides for compensation in an
1914 amount that is unconscionable is unenforceable except by the apparent owner.

1915 (b) An apparent owner that believes the compensation the apparent owner has agreed
1916 to pay is unconscionable or the administrator, acting on behalf of an apparent owner, or both,
1917 may file an action in the district court to reduce the compensation to the maximum amount that
1918 is not unconscionable.

1919 (c) On the final determination of an action filed under this Subsection (3), the court
1920 may, on application, award the prevailing party the prevailing party's reasonable attorney fees,
1921 costs, and expenses of litigation.

1922 (4) An apparent owner or the administrator may assert that an agreement described in
1923 this section is void on a ground other than it provides for payment of unconscionable
1924 compensation.

1925 (5) This section does not apply to an apparent owner's agreement with an attorney to
1926 pursue a claim for recovery of specifically identified property held by the administrator or to
1927 contest the administrator's denial of a claim for recovery of the property.

1928 Section 84. Section **67-4a-1303** is enacted to read:

1929 **67-4a-1303. Right of agent of apparent owner to recover property held by**
1930 **administrator.**

1931 (1) (a) An apparent owner that contracts with another person to locate, deliver, recover,
1932 or assist in the location, delivery, or recovery of property of the apparent owner that is held by
1933 the administrator may designate the person as the agent of the apparent owner.

1934 (b) The designation under Subsection (1)(a) shall be in a record signed by the apparent
1935 owner.

1936 (2) The administrator shall give the agent of the apparent owner all information
1937 concerning the property that the apparent owner is entitled to receive, including information
1938 that otherwise is confidential information under Section [67-4a-1402](#).

1939 (3) If authorized by the apparent owner, the agent of the apparent owner may bring an
1940 action against the administrator on behalf of and in the name of the apparent owner.

1941 Section 85. Section **67-4a-1401** is enacted to read:

1942 **Part 14. Confidentiality and Security of Information**

1943 **67-4a-1401. Definitions -- Applicability.**

1944 (1) As used in this part, "personal information" means:

1945 (a) information that identifies or reasonably can be used to identify an individual, such
1946 as first and last name in combination with the individual's:

1947 (i) social security number or other government-issued number or identifier;

1948 (ii) date of birth;

1949 (iii) home or physical address;

1950 (iv) electronic mail address or other online contact information or Internet provider
1951 address;

1952 (v) financial account number or credit or debit card number;

1953 (vi) biometric data, health or medical data, or insurance information; or

1954 (vii) passwords or other credentials that permit access to an online or other account;

1955 (b) personally identifiable financial or insurance information, including nonpublic
1956 personal information defined by applicable federal law; and

1957 (c) any combination of data that, if accessed, disclosed, modified, or destroyed without
1958 authorization of the owner of the data, or if lost or misused, would require notice or reporting
1959 under Section 13-44-202 and federal privacy and data security law, regardless of whether the
1960 administrator or the administrator's agent is subject to the law.

1961 (2) A provision of this part that applies to the administrator or the administrator's
1962 records applies to an administrator's agent.

1963 Section 86. Section **67-4a-1402** is enacted to read:

1964 **67-4a-1402. Confidential information.**

1965 (1) Except as otherwise provided in this chapter, the following are confidential and
1966 exempt from public inspection or disclosure:

1967 (a) records of the administrator and the administrator's agent related to the
1968 administration of this chapter;

1969 (b) reports and records of a holder in the possession of the administrator or the
1970 administrator's agent; and

1971 (c) personal information and other information derived or otherwise obtained by or
1972 communicated to the administrator or the administrator's agent from an examination under this
1973 chapter of the records of a person.

1974 (2) A record or other information that is confidential under the law of this state other
1975 than in this chapter, another state, or the United States continues to be confidential when
1976 disclosed or delivered under this chapter to the administrator or the administrator's agent.

1977 Section 87. Section **67-4a-1403** is enacted to read:

1978 **67-4a-1403. When confidential information may be disclosed.**

1979 (1) When reasonably necessary to enforce or implement this chapter, the administrator
1980 may disclose confidential information concerning property held by the administrator or the

1981 administrator's agent only to:

1982 (a) an apparent owner or the apparent owner's personal representative, attorney, other
1983 legal representative, relative, or agent designated under Section 67-4a-1303 to have the
1984 information;

1985 (b) the personal representative, other legal representative, relative of a deceased
1986 apparent owner, agent designated under Section 67-4a-1303 by the deceased apparent owner,
1987 or person entitled to inherit from the deceased apparent owner;

1988 (c) another department or agency of this state or of the United States;

1989 (d) the person that administers the unclaimed property law of another state, if the other
1990 state accords substantially reciprocal privileges to the administrator of this state if the other
1991 state is required to maintain the confidentiality and security of information obtained in a
1992 manner substantially equivalent to Part 14, Confidentiality and Security of Information; or

1993 (e) a person subject to an examination as required by Subsection 67-4a-1004(6).

1994 (2) (a) Except as otherwise provided in Subsection 67-4a-1402(1), the administrator
1995 shall include on the website or in the database required by Subsection 67-4a-503(4)(a) the
1996 name of each apparent owner of property held by the administrator.

1997 (b) The administrator may include in published notices, printed publications,
1998 telecommunications, the Internet, other media, on the website, or in the database additional
1999 information concerning the apparent owner's property if the administrator believes the
2000 information will assist in identifying and returning property to the owner and does not disclose
2001 personal information except the home or physical address of an apparent owner.

2002 (3) The administrator and the administrator's agent may not use confidential
2003 information provided to the administrator or the administrator's agent or in the administrator or
2004 the administrator's agent's possession except as expressly authorized by this chapter or required
2005 by law other than in this chapter.

2006 Section 88. Section **67-4a-1404** is enacted to read:

2007 **67-4a-1404. Confidentiality agreement.**

2008 A person to be examined under Section 67-4a-1002 may require, as a condition of
2009 disclosure of the records of the person to be examined, that each person having access to the
2010 records disclosed in the examination execute and deliver to the person to be examined a
2011 confidentiality agreement that:

2012 (1) is in a form that is reasonably satisfactory to the administrator; and
2013 (2) requires the person having access to the records to comply with the provisions of
2014 this part applicable to the person.

2015 Section 89. Section **67-4a-1405** is enacted to read:

2016 **67-4a-1405. No confidential information in notice.**

2017 Except as otherwise provided in Sections [67-4a-501](#) and [67-4a-502](#), a holder is not
2018 required under this chapter to include confidential information in a notice the holder is required
2019 to provide to an apparent owner under this chapter.

2020 Section 90. Section **67-4a-1406** is enacted to read:

2021 **67-4a-1406. Security of information.**

2022 (1) If a holder is required to include confidential information in a report to the
2023 administrator, the information shall be provided by a secure means.

2024 (2) If confidential information in a record is provided to and maintained by the
2025 administrator or the administrator's agent as required by this chapter, the administrator or the
2026 administrator's agent shall:

2027 (a) implement administrative, technical, and physical safeguards to protect the security,
2028 confidentiality, and integrity of the information required by Section [13-44-202](#) and federal
2029 privacy and data security law regardless of whether the administrator or the administrator's
2030 agent is subject to the law;

2031 (b) protect against reasonably anticipated threats or hazards to the security,
2032 confidentiality, or integrity of the information; and

2033 (c) protect against unauthorized access to or use of the information that could result in
2034 substantial harm or inconvenience to a holder or the holder's customers, including insureds,
2035 annuitants, and policy or contract owners and the insureds', annuitants', and policy or contract
2036 owners' beneficiaries.

2037 (3) The administrator:

2038 (a) after notice and comment, shall adopt and implement a security plan that identifies
2039 and assesses reasonably foreseeable internal and external risks to confidential information in
2040 the administrator's possession and seeks to mitigate the risks; and

2041 (b) shall ensure that an administrator's agent adopts and implements a similar plan with
2042 respect to confidential information in the administrator's agent's possession.

2043 (4) The administrator and the administrator's agent shall educate and train the
2044 administrator's and the administrator's agent's employees regarding the plan adopted under
2045 Subsection (3).

2046 (5) The administrator and the administrator's agent shall in a secure manner return or
2047 destroy all confidential information no longer reasonably needed under this chapter.

2048 Section 91. Section **67-4a-1407** is enacted to read:

2049 **67-4a-1407. Security breach.**

2050 (1) Except to the extent prohibited by law other than in this chapter, the administrator
2051 or the administrator's agent shall notify a holder as soon as practicable of:

2052 (a) a suspected loss, misuse, unauthorized access, disclosure, modification, or
2053 destruction of confidential information obtained from the holder in the possession of the
2054 administrator or the administrator's agent; and

2055 (b) any interference with operations in any system hosting or housing confidential
2056 information that:

2057 (i) compromises the security, confidentiality, or integrity of the information; or

2058 (ii) creates a substantial risk of identity fraud or theft.

2059 (2) Except as necessary to inform an insurer, attorney, investigator, or others as
2060 required by law, the administrator and the administrator's agent may not disclose, without the
2061 express consent in a record of the holder, an event described in Subsection (1) to a person
2062 whose confidential information was supplied by the holder.

2063 (3) If an event described in Subsection (1) occurs, the administrator and the
2064 administrator's agent shall:

2065 (a) take action necessary for the holder to understand and minimize the effect of the
2066 event and determine the event's scope; and

2067 (b) cooperate with the holder with respect to:

2068 (i) any notification required by law concerning a data or other security breach; and

2069 (ii) a regulatory inquiry, litigation, or similar action.

2070 Section 92. Section **67-4a-1408** is enacted to read:

2071 **67-4a-1408. Indemnification for breach.**

2072 (1) If a claim is made or action commenced arising out of an event described in
2073 Subsection [67-4a-1407](#)(1) relating to confidential information possessed by the administrator,

2074 this state shall indemnify, defend, and hold harmless a holder and the holder's affiliates,
2075 officers, directors, employees, and agents as to:

2076 (a) any claim or action; and

2077 (b) a liability, obligation, loss, damage, cost, fee, penalty, fine, settlement, charge, or
2078 other expense, including reasonable attorney fees and costs, established by the claim or action.

2079 (2) If a claim is made or action commenced arising out of an event described in
2080 Subsection [67-4a-1407](#)(1) relating to confidential information possessed by an administrator's
2081 agent, the administrator's agent shall indemnify, defend, and hold harmless a holder and the
2082 holder's affiliates, officers, directors, employees, and agents as to:

2083 (a) any claim or action; and

2084 (b) a liability, obligation, loss, damage, cost, fee, penalty, fine, settlement, charge, or
2085 other expense, including reasonable attorney fees and costs, established by the claim or action.

2086 (3) The administrator shall require the administrator's agent that will receive
2087 confidential information required under this chapter to maintain adequate insurance for
2088 indemnification obligations of the administrator's agent under Subsection (2).

2089 (4) The agent required to maintain the insurance shall provide evidence of the
2090 insurance to:

2091 (a) the administrator not less frequently than annually; and

2092 (b) the holder on commencement of an examination and annually thereafter until all
2093 confidential information is returned or destroyed under Subsection [67-4a-1406](#)(5).

2094 Section 93. Section **67-4a-1501** is enacted to read:

Part 15. Miscellaneous Provisions

2096 **67-4a-1501. Uniformity of application and construction.**

2097 In applying and construing this uniform chapter, consideration shall be given to the
2098 need to promote uniformity of the law with respect to the chapter's subject matter among states
2099 that enact it.

2100 Section 94. Section **67-4a-1502** is enacted to read:

2101 **67-4a-1502. Relation to Electronic Signatures in Global and National Commerce**

2102 **Act.**

2103 This chapter modifies, limits, or supersedes the Electronic Signatures in Global and
2104 National Commerce Act, 15 U.S.C. Sec. 7001 et seq., except this chapter does not:

2105 (1) modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Sec. 7001(c); or
2106 (2) authorize electronic delivery of any of the notices described in Section 103(b) of
2107 that act, 15 U.S.C. Sec. 7003(b).

2108 Section 95. Section **67-4a-1503** is enacted to read:

2109 **67-4a-1503. Transitional provision.**

2110 (1) An initial report filed under this chapter for property that was not required to be
2111 reported before May 9, 2017, but that is required to be reported under this chapter, shall include
2112 all items of property that would have been presumed abandoned during the 10-year period
2113 preceding May 9, 2017, as if this chapter had been in effect during that period.

2114 (2) This chapter does not relieve a holder of a duty that arose before May 9, 2017, to
2115 report, pay, or deliver property.

2116 (3) Subject to Subsections 67-4a-610(2) and (3), a holder that did not comply with the
2117 law governing unclaimed property before May 9, 2017, is subject to applicable provisions for
2118 enforcement and penalties in effect before May 9, 2017.

2119 Section 96. Section **67-4a-1504** is enacted to read:

2120 **67-4a-1504. Severability.**

2121 If any provision of this chapter or its application to any person or circumstance is held
2122 invalid, the invalidity does not affect other provisions or applications of this chapter that can be
2123 given effect without the invalid provision or application, and to this end the provisions of this
2124 chapter are severable.

2125 Section 97. Section **78B-6-816** is amended to read:

2126 **78B-6-816. Abandoned premises -- Retaking and rerenting by owner -- Liability**
2127 **of tenant -- Personal property of tenant left on premises.**

2128 (1) In the event of abandonment, the owner may retake the premises and attempt to rent
2129 them at a fair rental value and the tenant who abandoned the premises shall be liable:

2130 (a) for the entire rent due for the remainder of the term; or

2131 (b) for rent accrued during the period necessary to rerent the premises at a fair rental
2132 value, plus the difference between the fair rental value and the rent agreed to in the prior rental
2133 agreement, plus a reasonable commission for the renting of the premises and the costs, if any,
2134 necessary to restore the rental unit to its condition when rented by the tenant less normal wear
2135 and tear. This Subsection (1) applies, if less than Subsection (1)(a), notwithstanding that the

2136 owner did not rerenet the premises.

2137 (2) (a) If the tenant has abandoned the premises and has left personal property on the
2138 premises, the owner is entitled to remove the property from the dwelling, store it for the tenant,
2139 and recover actual moving and storage costs from the tenant.

2140 (b) (i) The owner shall post a copy of the notice in a conspicuous place and send by
2141 first class mail to the last known address for the tenant a notice that the property is considered
2142 abandoned.

2143 (ii) The tenant may retrieve the property within 15 calendar days from the date of the
2144 notice if the tenant tenders payment of all costs of inventory, moving, and storage to the owner.

2145 (iii) Except as provided in Subsection (5), if the property has been in storage for at
2146 least 15 calendar days and the tenant has made no reasonable effort to recover the property after
2147 notice was sent, pay reasonable costs associated with the inventory, removal, and storage, and
2148 no court hearing on the property is pending, the owner may:

2149 (A) sell the property at a public sale and apply the proceeds toward any amount the
2150 tenant owes; or

2151 (B) donate the property to charity if the donation is a commercially reasonable
2152 alternative.

2153 (c) Any money left over from the public sale of the property shall be handled as
2154 specified in Title 67, Chapter 4a, Part 2, [~~Standards for Determining When Property Is~~
2155 ~~Abandoned or Unclaimed~~] Presumption of Abandonment.

2156 (d) Nothing contained in this act shall be in derogation of or alter the owner's rights
2157 under Title 38, Chapter 3, Lessors' Liens, or any other contractual liens or rights.

2158 (3) If abandoned property is determined to belong to a person who is the tenant or an
2159 occupant, the tenant or occupant may claim the property, upon payment of any costs, inventory,
2160 moving, and storage, by delivery of a written demand with evidence of ownership of the
2161 personal property within 15 calendar days after the notice described in Subsection (2)(b) is
2162 sent. The owner may not be liable for the loss of the abandoned personal property if the
2163 written demand is not received.

2164 (4) As used in this section, "personal property" does not include a motor vehicle, as
2165 defined in Section [41-1a-102](#).

2166 (5) A tenant has no recourse for damage or loss if the tenant fails to recover any

2167 abandoned property as required in this section.

2168 (6) An owner is not required to store the following abandoned personal property:

2169 (a) chemicals, pests, potentially dangerous or other hazardous materials;

2170 (b) animals, including dogs, cats, fish, reptiles, rodents, birds, or other pets;

2171 (c) gas, fireworks, combustibles, or any item considered to be hazardous or explosive;

2172 (d) garbage;

2173 (e) perishable items; or

2174 (f) items that when placed in storage might create a hazardous condition or a pest

2175 control issue.

2176 (7) An owner shall give an extension for up to 15 calendar days, beyond the 15

2177 calendar day limit described in Subsection (2)(b)(ii), to recover the abandoned property, if a

2178 tenant provides:

2179 (a) a copy of a police report or protection order for situations of domestic violence, as
2180 defined in Section 77-36-1;

2181 (b) verification of an extended hospitalization from a verified medical provider; or

2182 (c) a death certificate or obituary for a tenant's death, provided by an immediate family
2183 member.

2184 (8) Items listed in Subsection (6) may be properly disposed of by the owner
2185 immediately upon determination of abandonment. A tenant may not recover for disposal of
2186 abandoned items listed in Subsection (6).

2187 (9) Notice of any public sale shall be mailed to the last known address of the tenant at
2188 least five calendar days prior to the public sale.

2189 (10) If the tenant is present at the public sale:

2190 (a) the tenant may specify the order in which the personal property is sold;

2191 (b) the owner may sell only as much personal property necessary to satisfy the amount
2192 due under the rental agreement and statutorily allowed damages, costs, and fees associated with
2193 the abandoned items; and

2194 (c) any unsold personal property shall be released to the tenant.

2195 (11) If the tenant is not present at the public sale:

2196 (a) all items may be sold; and

2197 (b) any surplus amount over the amount due to the owner shall be paid to the tenant, if

2198 the tenant's current location is known. If the tenant's location is not known, any surplus shall
2199 be disposed of in accordance with Title 67, Chapter 4a, [~~Unclaimed Property Act~~] Revised
2200 Uniform Unclaimed Property Act.

2201 Section 98. **Repealer.**

2202 This bill repeals:

2203 Section **67-4a-213, Contents of safe deposit box or other safekeeping repository.**

2204 Section **67-4a-214, Mineral proceeds.**

Legislative Review Note
Office of Legislative Research and General Counsel