

1st Sub. S.B. 175
UNIFORM UNCLAIMED PROPERTY ACT

Senator Lyle W. Hillyard proposes the following amendments:

1. Page 22, Line 661 through Page 23, Line 689:

661 (1) Subject to Section 67-4a-208, a security is presumed abandoned ~~{upon the earlier of~~
662 ~~the following}~~ three years after ;
663 ~~{(a) three years after the date a communication sent by the holder by first-class United~~
664 ~~States mail to the apparent owner is returned to the holder undelivered by the United States~~
665 ~~Postal Service, provided, however, that if the returned communication is re-sent within one~~
666 ~~month to the apparent owner, the three-year period does not begin to run until the day the~~
667 ~~re-sent item is returned as undeliverable; or~~
668 ~~—(b) five years after the date of the apparent owner's last indication of interest in the~~
669 ~~security.~~
670 ~~—(2) (a) Subject to Subsection (2)(b), if the holder does not send communications to the~~
671 ~~apparent owner of a security by first-class United States mail on at least an annual basis, the~~
672 ~~holder shall attempt to confirm the apparent owner's interest in the security by sending the~~
673 ~~apparent owner an electronic mail communication not later than three years after the apparent~~
674 ~~owner's last indication of interest in the security.~~
675 ~~—(b) The holder shall promptly attempt to contact the apparent owner by first-class~~
676 ~~United States mail if:~~
677 ~~—(i) the holder does not have information needed to send the apparent owner an~~
678 ~~electronic mail communication or the holder believes that the apparent owner's electronic mail~~
679 ~~address in the holder's records is not valid;~~
680 ~~—(ii) the holder receives notification that the electronic mail communication under~~
681 ~~Subsection (2)(a) was not received; or~~
682 ~~—(iii) the apparent owner does not respond to the electronic mail communication under~~
683 ~~Subsection (2)(a) within 30 days after the communication was sent.~~
684 ~~—(3) If first-class United States mail sent under Subsection (2) is returned to the holder~~
685 ~~undelivered by the United States Postal Service, the security is presumed abandoned in~~
686 ~~accordance with Subsection (1)(b) above.~~
687 ~~—(4) Notwithstanding the standards set forth in Subsections (1), (2) and (3), if the holder~~
688 ~~has reason to believe that the owner is deceased, the property shall be presumed abandoned two~~
689 ~~years after the date of death of the owner.}~~ =
(a) the date a second consecutive communication sent by the holder by first-class United States
mail to the apparent owner is returned to the holder undelivered by the United States Postal Service; or

(b) if the second communication is made later than 30 days after the first communication is returned, the date the first communication is returned undelivered to the holder by the United States Postal Service.

(2)(a) Except as provided in Subsection (2)(b), if the holder does not send communications to the apparent owner of a security by first-class United States mail, the holder shall attempt to confirm the apparent owner's interest in the security by sending the apparent owner an electronic-mail communication not later than two years after the apparent owner's last indication of interest in the security.

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

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

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

(iii) the apparent owner does not respond to the electronic-mail communication not later 30 days after the communication was sent.

(3) If first-class United States mail sent under Subsection (2) is returned to the holder undelivered by the United States Postal Service, the security is presumed abandoned three years after the date the mail is returned.

2. Page 30, Line 918 through Page 31, Line 928:

918 ~~{(3) The holder of securities presumed abandoned under Section 67-4a-202, 67-4a-203,~~
919 ~~or 67-4a-206 shall send to the apparent owner notice by certified United States mail that~~
920 ~~complies with Section 67-4a-502 in a format acceptable to the administrator not less than 60~~
921 ~~days before filing the report under Section 67-4a-401 if:~~
922 ~~(a) the holder has in the holder's records an address for the apparent owner that the~~
923 ~~holder's records do not disclose to be invalid and is sufficient to direct the delivery of United~~
924 ~~States mail to the apparent owner; and~~
925 ~~(b) the value of the property is \$1,000 or more.~~
926 ~~(4) A signed return receipt in response to a notice sent pursuant to this section by~~
927 ~~certified United States mail shall constitute a record communicated by the apparent owner to~~
928 ~~the holder concerning the property or the account in which the property is held.}~~

3. Page 42, Lines 1268 through 1269:

1268 (1) The administrator may ~~{sell all securities and other negotiable financial instruments~~
1269 ~~upon receipt of such items using any commercially reasonable method.}~~ not sell or otherwise
liquidate a security until three years after the administrator receives the security and gives the apparent
owner notice under Section 67-4a-503 that the administrator holds the security.