

# HB0284S01 compared with HB0284

~~{deleted text}~~ shows text that was in HB0284 but was deleted in HB0284S01.

inserted text shows text that was not in HB0284 but was inserted into HB0284S01.

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Representative Lawanna Shurtliff proposes the following substitute bill:

## NOTIFICATION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lawanna Shurtliff**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill modifies provisions related to certain notices provided by a self-service storage facility.

#### Highlighted Provisions:

This bill:

- ▶ modifies the method by which an owner of a self-service storage facility sends notice to an occupant before enforcing a lien against the occupant's property by requiring the owner to deliver the notice:
  - by certified mail and by email; or

~~{ in person, with a signed document that acknowledges receipt;~~

~~requires certain notices under the Revised Uniform Unclaimed Property Act be delivered;~~

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~~by certified mail and by email; or~~

- † • in person, with a signed document that acknowledges receipt; and
  - ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**38-8-3**, as last amended by Laws of Utah 2013, Chapter 163

~~{ **67-4a-102**, as last amended by Laws of Utah 2019, Chapter 78~~

~~— **67-4a-501**, as last amended by Laws of Utah 2018, Chapter 281~~

~~— **67-4a-503**, as last amended by Laws of Utah 2018, Chapter 459~~

}

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

Section 1. Section **38-8-3** is amended to read:

#### **38-8-3. Enforcement of lien -- Notice requirements -- Sale procedure and effect.**

(1) An owner may enforce a lien described in Section 38-8-2 against an occupant if:

- (a) the occupant is in default for a continuous 30-day period; and
- (b) the owner provides written notice of the owner's intent to enforce the lien, in

accordance with the requirements of this section, to:

- (i) the occupant;
- (ii) each lienholder disclosed by the occupant under Subsection 38-8-2(3)(b);
- (iii) each person that has filed a valid financing statement with the Division of Corporations and Commercial Code; and
- (iv) each person identified as a lienholder in the records of the Motor Vehicle Division.

(2) (a) An owner shall provide the written notice described in Subsection (1)(b):

~~[(a)]~~ (i) subject to Subsection (2)(b), in person; or

~~[(b)]~~ (ii) (A) by certified mail, to the person's last known address; ~~[(or)]~~ and

~~[(c) subject to Subsection (3);]~~ (B) by email, to the person's last known email address if

any.

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(b) An owner who provides the written notice described in Subsection (1)(b) in person shall obtain a certificate of receipt signed by the individual who received the written notice.

~~[(3) If an owner sends a notice described in Subsection (2) by email and does not receive a response, return receipt, or delivery confirmation from the email address to which the notice was sent within three business days after the day on which the notice was sent, the owner shall deliver the notice in person or by certified mail to the person's last known address.]~~

~~[(4)]~~ (3) A written notice described in Subsection (1)(b) shall include:

(a) an itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;

(b) a brief description of the personal property subject to the lien that permits the person to identify the property, unless the property is locked, fastened, sealed, tied, or otherwise stored in a manner that prevents immediate identification of the property;

(c) if permitted by the terms of the rental agreement, a notice that the occupant may not access the occupant's personal property until the occupant complies with the requirements described in Subsection ~~[(9)]~~ (8);

(d) the name, street address, and telephone number of the owner or the individual the occupant may contact to respond to the notification;

(e) a demand for payment within a specified time not less than 15 days after the day on which the notice is delivered; and

(f) a conspicuous statement that, unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale and will be sold at a specified time and place.

~~[(5)]~~ (4) A notice under this section shall be presumed delivered when it is deposited with the United States Postal Service and properly addressed with postage prepaid.

~~[(6)]~~ (5) (a) After the expiration of the time given in the notice, the owner shall publish an advertisement of the sale of the personal property subject to the lien once in a newspaper of general circulation in the county where the self-service storage facility is located.

(b) An advertisement described in Subsection ~~[(6)]~~ (5)(a) shall include:

(i) the address of the self-service storage facility and the number, if any, of the space where the personal property is located;

(ii) the name of the occupant; and

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(iii) the time, place, and manner of the sale, which shall take place not sooner than 15 days after the day on which the sale is advertised under Subsection [(6)] (5)(a).

[(7)] (6) A sale of the personal property shall conform to the terms of the notice provided for in this section.

[(8)] (7) A sale of the personal property shall be held at the self-service storage facility, at the nearest suitable place to where the personal property is held or stored, or online.

[(9)] (8) Before a sale of personal property under this section, the occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section and thereby redeem the personal property; upon receipt of this payment, the owner shall return the personal property, and thereafter the owner shall have no liability to any person with respect to that personal property.

[(10)] (9) A purchaser in good faith of the personal property sold to satisfy a lien as provided for in this chapter takes the property free of any rights of persons against whom the lien was valid and free of any rights of a secured creditor, despite noncompliance by the owner with the requirements of this section.

[(11)] (10) In the event of a sale under this section, the owner may satisfy the lien for the proceeds of the sale, subject to the rights of any prior lienholder; the lien rights of the prior lienholder are automatically transferred to the proceeds of the sale; if the sale is made in good faith and is conducted in a reasonable manner, the owner shall not be subject to any surcharge for a deficiency in the amount of a prior secured lien, but shall hold the balance, if any, for delivery to the occupant, lienholder, or other person in interest; if the occupant, lienholder, or other person in interest does not claim the balance of the proceeds within one year of the date of sale, it shall become the property of the Utah state treasurer as unclaimed property with no further claim against the owner.

[(12)] (11) If the requirements of this chapter are not satisfied, if the sale of the personal property is not in conformity with the notice of sale, or if there is a willful violation of this chapter, nothing in this section affects the rights and liabilities of the owner, occupant, or any other person.

~~{ Section 2. Section 67-4a-102 is amended to read:~~

~~67-4a-102. Definitions:~~

~~As used in this chapter:~~

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- ~~—— (1) "Administrator" means the deputy state treasurer assigned by the state treasurer.~~
- ~~—— (2) (a) "Administrator's agent" means a person with which the administrator contracts to conduct an examination under Part 10, Verified Report of Property and Examination of Records, on behalf of the administrator.~~
- ~~—— (b) "Administrator's agent" includes an independent contractor of the person and each individual participating in the examination on behalf of the person or contractor.~~
- ~~—— (3) "Apparent owner" means a person whose name appears on the records of a holder as the owner of property held, issued, or owing by the holder.~~
- ~~—— (4) (a) "Bank draft" means a check, draft, or similar instrument on which a banking or financial organization is directly liable.~~
- ~~—— (b) "Bank draft" includes:~~
  - ~~—— (i) a cashier's check; and~~
  - ~~—— (ii) a certified check.~~
- ~~—— (c) "Bank draft" does not include:~~
  - ~~—— (i) a traveler's check; or~~
  - ~~—— (ii) a money order.~~
- ~~—— (5) "Banking organization" means:~~
  - ~~—— (a) a bank;~~
  - ~~—— (b) an industrial bank;~~
  - ~~—— (c) a trust company;~~
  - ~~—— (d) a savings bank; or~~
  - ~~—— (e) any organization defined by other law as a bank or banking organization.~~
- ~~—— (6) "Business association" means a corporation, joint stock company, investment company other than an investment company registered under the Investment Company Act of 1940, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, banking organization, insurance company, federally chartered entity, utility, sole proprietorship, or other business entity, whether or not for profit.~~
- ~~—— (7) "Cashier's check" means a check that:~~
  - ~~—— (a) is drawn by a banking organization on itself;~~
  - ~~—— (b) is signed by an officer of the banking organization; and~~

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- ~~\_\_\_\_\_ (c) authorizes payment of the amount shown on the check's face to the payee.~~
- ~~\_\_\_\_\_ (8) "Certified mail" means a method of mailing that is offered by the United States Postal Service and provides evidence of mailing.~~
- ~~\_\_\_\_\_ [(8)] (9) "Class action" means a legal action:~~
  - ~~\_\_\_\_\_ (a) certified by the court as a class action; or~~
  - ~~\_\_\_\_\_ (b) treated by the court as a class action without being formally certified as a class action.~~
- ~~\_\_\_\_\_ [(9)] (10) "Confidential information" means records, reports, and information that is confidential under Section 67-4a-1402.~~
- ~~\_\_\_\_\_ [(10)] (11) (a) "Deposit in a financial institution" means a demand, savings, or matured time deposit with a banking or financial organization:~~
  - ~~\_\_\_\_\_ (b) "Deposit in a financial institution" includes:~~
    - ~~\_\_\_\_\_ (i) any interest or dividends on a deposit; and~~
    - ~~\_\_\_\_\_ (ii) a deposit that is automatically renewable.~~
- ~~\_\_\_\_\_ [(11)] (12) "Domicile" means:~~
  - ~~\_\_\_\_\_ (a) for a corporation, the state of the corporation's incorporation;~~
  - ~~\_\_\_\_\_ (b) for a business association other than a corporation, whose formation requires a filing with a state, the state of the business association's filing;~~
  - ~~\_\_\_\_\_ (c) for a federally chartered entity or an investment company registered under the Investment Company Act of 1940, the state of the entity's or company's home office; and~~
  - ~~\_\_\_\_\_ (d) for any other holder, the state of the holder's principal place of business.~~
- ~~\_\_\_\_\_ [(12)] (13) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.~~
- ~~\_\_\_\_\_ [(13)] (14) "Electronic mail" means a communication by electronic means that is automatically retained and stored and may be readily accessed or retrieved.~~
- ~~\_\_\_\_\_ [(14)] (15) "Financial organization" means:~~
  - ~~\_\_\_\_\_ (a) a savings and loan association; or~~
  - ~~\_\_\_\_\_ (b) a credit union.~~
- ~~\_\_\_\_\_ [(15)] (16) (a) "Game-related digital content" means digital content that exists only in an electronic game or electronic-game platform.~~
  - ~~\_\_\_\_\_ (b) "Game-related digital content" includes:~~

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

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

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

~~—— (B) digital codes.~~

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

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

~~—— (A) money; or~~

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

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

~~—— [(16)] (17) (a) "Gift card" means a record that:~~

~~—— (i) is usable at:~~

~~—— (A) a single merchant; or~~

~~—— (B) a specified group of merchants;~~

~~—— (ii) is prefunded before the record is used; and~~

~~—— (iii) can be used for purchases of goods or services.~~

~~—— (b) "Gift card" includes a prepaid commercial mobile radio service as defined in 47 C.F.R. Sec. 20.3.~~

~~—— [(17)] (18) "Holder" means a person obligated to hold for the account of, or to deliver or pay to, the owner property subject to this chapter.~~

~~—— [(18)] (19) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including:~~

~~—— (a) accident insurance;~~

~~—— (b) burial insurance;~~

~~—— (c) casualty insurance;~~

~~—— (d) credit life insurance;~~

~~—— (e) contract performance insurance;~~

~~—— (f) dental insurance;~~

~~—— (g) disability insurance;~~

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- ~~—— (h) fidelity insurance;~~
- ~~—— (i) fire insurance;~~
- ~~—— (j) health insurance;~~
- ~~—— (k) hospitalization insurance;~~
- ~~—— (l) illness insurance;~~
- ~~—— (m) life insurance, including endowments and annuities;~~
- ~~—— (n) malpractice insurance;~~
- ~~—— (o) marine insurance;~~
- ~~—— (p) mortgage insurance;~~
- ~~—— (q) surety insurance;~~
- ~~—— (r) wage protection insurance; and~~
- ~~—— (s) worker compensation insurance.~~
- ~~—— [(19)] (20) "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail.~~
- ~~—— [(20)] (21) (a) "Loyalty card" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program that may be used or redeemed only to obtain goods or services or a discount on goods or services.~~
- ~~—— (b) "Loyalty card" does not include a record that may be redeemed for money or otherwise monetized by the issuer.~~
- ~~—— [(21)] (22) (a) "Mineral" means any substance that is ordinarily and naturally considered a mineral, regardless of the depth at which the substance is found.~~
- ~~—— (b) "Mineral" includes:~~
  - ~~—— (i) building stone;~~
  - ~~—— (ii) cement material;~~
  - ~~—— (iii) chemical raw material;~~
  - ~~—— (iv) coal;~~
  - ~~—— (v) colloidal and other clay;~~
  - ~~—— (vi) fissionable and nonfissionable ore;~~
  - ~~—— (vii) gas;~~
  - ~~—— (viii) gemstone;~~

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- ~~—— (ix) gravel;~~
- ~~—— (x) lignite;~~
- ~~—— (xi) oil;~~
- ~~—— (xii) oil shale;~~
- ~~—— (xiii) other gaseous liquid or solid hydrocarbon;~~
- ~~—— (xiv) road material;~~
- ~~—— (xv) sand;~~
- ~~—— (xvi) steam and other geothermal resources;~~
- ~~—— (xvii) sulphur; and~~
- ~~—— (xviii) uranium.~~
- ~~—— [(22)] (23) (a) "Mineral proceeds" means an amount payable:~~
  - ~~—— (i) for extraction, production, or sale of minerals; or~~
  - ~~—— (ii) for the abandonment of an interest in minerals.~~
- ~~—— (b) "Mineral proceeds" includes an amount payable:~~
  - ~~—— (i) for the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, or delay rental;~~
  - ~~—— (ii) for the extraction, production, or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment, or production payment; and~~
  - ~~—— (iii) under an agreement or option, including a joint-operating agreement, unit agreement, pooling agreement, and farm-out agreement.~~
- ~~—— [(23)] (24) (a) "Money order" means a payment order for a specified amount of money.~~
- ~~—— (b) "Money order" includes an express money order and a personal money order on which the remitter is the purchaser.~~
- ~~—— (c) "Money order" does not include a cashier's check.~~
- ~~—— [(24)] (25) "Municipal bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state.~~
- ~~—— [(25)] (26) (a) "Nonfreely transferable security" means a security that cannot be delivered to the administrator by the Depository Trust Clearing Corporation or a similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer.~~
- ~~—— (b) "Nonfreely transferable security" includes a worthless security.~~

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~~[(26)] (27) (a) "Owner" means a person that has a legal, beneficial, or equitable interest in property subject to this chapter or the person's legal representative when acting on behalf of the owner.~~

~~(b) "Owner" includes:~~

~~(i) a depositor, for a deposit;~~

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

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

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

~~[(27)] (28) "Payroll card" means a record that evidences a payroll card account as defined in 12 C.F.R. Part 1005, Electronic Fund Transfers (Regulation E).~~

~~[(28)] (29) "Person" means:~~

~~(a) an individual;~~

~~(b) an estate;~~

~~(c) a business association;~~

~~(d) a public corporation;~~

~~(e) a government entity;~~

~~(f) an agency;~~

~~(g) a trust;~~

~~(h) an instrumentality; or~~

~~(i) any other legal or commercial entity.~~

~~[(29)] (30) (a) "Property" means tangible property described in Section 67-4a-205 or a fixed and certain interest in intangible property held, issued, or owed in the course of a holder's business or by a government entity:~~

~~(b) "Property" includes:~~

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

~~(ii) property referred to as or evidenced by:~~

~~(A) money, virtual currency, interest, or a dividend, check, draft, or deposit;~~

~~(B) a credit balance, customer's overpayment, stored-value card, payroll card, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds, or unidentified remittance; and~~

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- ~~\_\_\_\_\_ (C) a security except for:~~
- ~~\_\_\_\_\_ (I) a worthless security; or~~
- ~~\_\_\_\_\_ (II) a security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;~~
- ~~\_\_\_\_\_ (iii) a bond, debenture, note, or other evidence of indebtedness;~~
- ~~\_\_\_\_\_ (iv) money deposited to redeem a security, make a distribution, or pay a dividend;~~
- ~~\_\_\_\_\_ (v) an amount due and payable under an annuity contract or insurance policy;~~
- ~~\_\_\_\_\_ (vi) an amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit-sharing, employee-savings, supplemental-unemployment insurance, or a similar benefit; and~~
- ~~\_\_\_\_\_ (vii) an amount held under a preneed funeral or burial contract, other than a contract for burial rights or opening and closing services, where the contract has not been serviced following the death or the presumed death of the beneficiary.~~
- ~~\_\_\_\_\_ (c) "Property" does not include:~~
  - ~~\_\_\_\_\_ (i) property held in a plan described in Section 529A, Internal Revenue Code;~~
  - ~~\_\_\_\_\_ (ii) game-related digital content;~~
  - ~~\_\_\_\_\_ (iii) a loyalty card;~~
  - ~~\_\_\_\_\_ (iv) an in-store credit for returned merchandise;~~
  - ~~\_\_\_\_\_ (v) patronage capital of an electric, telephone, or agricultural cooperative; or~~
  - ~~\_\_\_\_\_ (vi) a gift card.~~
- ~~\_\_\_\_\_ [(30)] (31) "Putative holder" means a person believed by the administrator to be a holder, until:~~
  - ~~\_\_\_\_\_ (a) the person pays or delivers to the administrator property subject to this chapter; or~~
  - ~~\_\_\_\_\_ (b) the administrator or a court makes a final determination that the person is or is not a holder.~~
- ~~\_\_\_\_\_ [(31)] (32) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.~~
- ~~\_\_\_\_\_ [(32)] (33) "Security" means:~~
  - ~~\_\_\_\_\_ (a) a security as defined in Revised Article 8 of the Uniform Commercial Code; or~~

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

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

~~—— (ii) payable to the order of the person;~~

~~—— (iii) specifically endorsed to the person; or~~

~~—— (iv) an equity interest in a business association not included in this Subsection [(32)] (33):~~

~~—— [(33)] (34) "Sign" means, with present intent to authenticate or adopt a record:~~

~~—— (a) to execute or adopt a tangible symbol; or~~

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

~~—— [(34)] (35) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.~~

~~—— [(35)] (36) (a) "Stored-value card" means a reloadable or non-reloadable record:~~

~~—— (i) with a monetary value or amount that can be:~~

~~—— (A) used to purchase or otherwise acquire goods or services;~~

~~—— (B) used to obtain cash; or~~

~~—— (C) redeemed for cash value; and~~

~~—— (ii) of which the issuer or the issuer's agent has a record of the name and last known address of the apparent owner and the address is in the state of Utah.~~

~~—— (b) "Stored-value card" does not include:~~

~~—— (i) a record described in Subsection [(35)] (36)(a) that is purchased or acquired by an intermediary or other party for resale, for sale on consignment, or as a gift to the card user, when the issuer does not know the name and address of the ultimate buyer or recipient of the record;~~

~~—— (ii) a loyalty card;~~

~~—— (iii) a gift card; or~~

~~—— (iv) game-related digital content.~~

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~~—— [(36)] (37) "Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for:~~

~~—— (a) the transmission of communications or information;~~

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

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

~~—— [(37)] (38) (a) "Virtual currency" means a digital representation of value used as a medium of exchange, unit of account, or store of value, which does not have legal tender status recognized by the United States:~~

~~—— (b) "Virtual currency" does not include:~~

~~—— (i) the software or protocols governing the transfer of the digital representation of value;~~

~~—— (ii) game-related digital content;~~

~~—— (iii) a loyalty card;~~

~~—— (iv) membership rewards; or~~

~~—— (v) a gift card.~~

~~—— [(38)] (39) "Worthless security" means a security whose cost of liquidation and delivery to the administrator would exceed the value of the security on the date a report is due under this chapter.~~

~~—— Section 3. Section ~~67-4a-501~~ is amended to read:~~

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

~~—— (1) [Subject to] In accordance with Subsection (2), the holder of property presumed abandoned shall send to the apparent owner notice [by first-class United States mail] that complies with Section ~~67-4a-502~~ in a format acceptable to the administrator not more than 180 days nor less than 60 days before filing the report under Section ~~67-4a-401~~ if: (a) the holder has in the holder's records an address for the apparent owner that the holder's records do not disclose to be invalid and is sufficient to direct the delivery of first-class United States mail to the apparent owner; and (b)] the value of the property is \$50 or more.~~

~~—— [(2) If an apparent owner has consented to receive electronic mail delivery from the holder, the holder shall send the notice described in Subsection (1) both by first-class United States mail to the apparent owner's last-known mailing address and by electronic mail, unless~~

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~~the holder believes that the apparent owner's electronic mail address is invalid.]~~

~~—— (2) The holder shall deliver the notice described in Subsection (1):~~

~~—— (a) by:~~

~~—— (i) certified mail to the apparent owner's last-known address; and~~

~~—— (ii) if the apparent owner has consented to receive electronic mail delivery from the holder, by electronic mail; or~~

~~—— (b) in person, with a certificate of receipt signed by the individual who received the notice.~~

~~—— Section 4. Section **67-4a-503** is amended to read:~~

~~—— **67-4a-503. Notice by administrator.**~~

~~—— (1) [The] Subject to the provisions of this section, the administrator shall give notice to an apparent owner that property presumed abandoned and that appears to be owned by the apparent owner is held by the administrator under this chapter.~~

~~—— [(2) In providing notice under Subsection (1), the administrator shall:]~~

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

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

~~—— (2) (a) The administrator shall send written notice to each apparent owner of property presumed abandoned that is valued at \$50 or more and held by the administrator under this chapter.~~

~~—— (b) The administrator shall deliver the notice described in Subsection (2)(a):~~

~~—— (i) by:~~

~~—— (A) certified mail to the apparent owner's last-known address; and~~

~~—— (B) if the apparent owner consented to receive electronic mail delivery from the holder~~

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~~and the administrator knows the apparent owner's electronic mail address, by electronic mail;~~

~~or~~

~~—— (ii) in person, with a certificate of receipt signed by the individual who received the notice;~~

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

~~—— (a) the total value of property received by the administrator during the preceding 12-month period, taken from the reports under Section 67-4a-401;~~

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

~~—— (c) the Internet web address of the unclaimed property website maintained by the administrator;~~

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

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

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

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

~~—— (i) no owner name was reported;~~

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

~~—— (iii) the Office of the State Treasurer has made direct contact with the apparent owner of the property; or~~

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

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

## HB0284S01 compared with HB0284

~~—— (6) (a) At least annually, the administrator shall notify the State Tax Commission of the names and social security numbers or federal identification numbers of any persons appearing to be owners of abandoned property under this chapter.~~

~~—— (b) The State Tax Commission shall:~~

~~—— (i) determine if any person under Subsection (6)(a) has filed a Utah income tax return in that year; and~~

~~—— (ii) provide notice to a person described in Subsection (6)(b)(i) that directs the person to access the website described in Subsection (4) for information on property that may be held by the administrator in that person's name.~~

~~—— (c) Subject to Subsection (7), in order to facilitate the return of property under this Subsection (6), the administrator and the State Tax Commission may enter into an interagency agreement concerning protection of confidential information, data match rules, and other issues.~~

~~—— (7) If the administrator and the State Tax Commission enter into an interagency agreement under Subsection (6)(c), for each person that is owed property that has a value of \$2,000 or less:~~

~~—— (a) the administrator shall deliver the property or pay the amount owed to the person in the manner provided under Section 67-4a-905; and~~

~~—— (b) the person is not required to file a claim under Section 67-4a-903.~~

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

~~—— (9) The State Tax Commission may bill the administrator to recover the State Tax Commission's costs for providing the service under this section.~~

~~—— (10) In addition to giving notice under Subsection (2), publishing the information under Subsection (3), and maintaining the website or database under Subsection (4), the administrator may use other printed publication, telecommunication, the Internet, or other media to inform the public of the existence of unclaimed property held by the administrator.~~

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