



Sen. Don Harmon

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10000HB3806sam003

LRB100 05230 HEP 41164 a

1 AMENDMENT TO HOUSE BILL 3806

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3806 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Revised Uniform Unclaimed Property Act is  
5 amended by changing Sections 15-201, 15-210, 15-503, 15-603,  
6 15-1002.1, 15-1004, 15-1401, and 15-1402 as follows:

7 (765 ILCS 1026/15-201)

8 Sec. 15-201. When property presumed abandoned. Subject to  
9 Section 15-210, the following property is presumed abandoned if  
10 it is unclaimed by the apparent owner during the period  
11 specified below:

12 (1) a traveler's check, 15 years after issuance;

13 (2) a money order, 3 ~~7~~ years after issuance;

14 (3) any instrument on which a financial organization or  
15 business association is directly liable, 3 years after  
16 issuance;

1 (4) a state or municipal bond, bearer bond, or  
2 original-issue-discount bond, 3 years after the earliest  
3 of the date the bond matures or is called or the obligation  
4 to pay the principal of the bond arises;

5 (5) a debt of a business association, 3 years after the  
6 obligation to pay arises;

7 (6) financial organization deposits as follows:

8 (i) a demand deposit, 3 years after the date of the  
9 last indication of interest in the property by the  
10 apparent owner;

11 (ii) a savings deposit, 3 years after the date of  
12 last indication of interest in the property by the  
13 apparent owner;

14 (iii) a time deposit for which the owner has not  
15 consented to automatic renewal of the time deposit, 5  
16 years after the date of last indication of interest in  
17 the property by the apparent owner;

18 (iv) an automatically renewable time deposit for  
19 which the owner consented to the automatic renewal in a  
20 record on file with the holder, 5 years after the date  
21 of last indication of interest in the property by the  
22 apparent owner, following the completion of the  
23 initial term of the time deposit and one automatic  
24 renewal term of the time deposit ~~a demand, savings, or~~  
25 ~~time deposit, 3 years after the later of maturity or~~  
26 ~~the date of the last indication of interest in the~~

1 ~~property by the apparent owner, except for a deposit~~  
2 ~~that is automatically renewable, 3 years after its~~  
3 ~~initial date of maturity unless the apparent owner~~  
4 ~~consented in a record on file with the holder to~~  
5 ~~renewal at or about the time of the renewal;~~

6 (7) money or a credit owed to a customer as a result of  
7 a retail business transaction, other than in-store credit  
8 for returned merchandise, 3 years after the obligation  
9 arose;

10 (8) an amount owed by an insurance company on a life or  
11 endowment insurance policy or an annuity contract that has  
12 matured or terminated, 3 years after the obligation to pay  
13 arose under the terms of the policy or contract or, if a  
14 policy or contract for which an amount is owed on proof of  
15 death has not matured by proof of the death of the insured  
16 or annuitant, as follows:

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

19 (i) 3 years after the death of the insured; or

20 (ii) 2 years after the insured has attained, or  
21 would have attained if living, the limiting age  
22 under the mortality table on which the reserve for  
23 the policy is based; and

24 (B) with respect to an amount owed on an annuity  
25 contract, 3 years after the death of the annuitant.

26 (9) funds on deposit or held in trust pursuant to the

1 Illinois Funeral or Burial Funds Act, the earliest of:

2 (A) 2 years after the date of death of the  
3 beneficiary;

4 (B) one year after the date the beneficiary has  
5 attained, or would have attained if living, the age of  
6 105 where the holder does not know whether the  
7 beneficiary is deceased;

8 (C) 40 years after the contract for prepayment was  
9 executed;

10 (10) property distributable by a business association  
11 in the course of dissolution or distributions from the  
12 termination of a retirement plan, one year after the  
13 property becomes distributable;

14 (11) property held by a court, including property  
15 received as proceeds of a class action, 3 years after the  
16 property becomes distributable;

17 (12) property held by a government or governmental  
18 subdivision, agency, or instrumentality, including  
19 municipal bond interest and unredeemed principal under the  
20 administration of a paying agent or indenture trustee, 3  
21 years after the property becomes distributable;

22 (13) wages, commissions, bonuses, or reimbursements to  
23 which an employee is entitled, or other compensation for  
24 personal services, including amounts held on a payroll  
25 card, one year after the amount becomes payable;

26 (14) a deposit or refund owed to a subscriber by a

1 utility, one year after the deposit or refund becomes  
2 payable, except that any capital credits or patronage  
3 capital retired, returned, refunded or tendered to a member  
4 of an electric cooperative, as defined in Section 3.4 of  
5 the Electric Supplier Act, or a telephone or  
6 telecommunications cooperative, as defined in Section  
7 13-212 of the Public Utilities Act, that has remained  
8 unclaimed by the person appearing on the records of the  
9 entitled cooperative for more than 2 years, shall not be  
10 subject to, or governed by, any other provisions of this  
11 Act, but rather shall be used by the cooperative for the  
12 benefit of the general membership of the cooperative; and

13 (15) property not specified in this Section or Sections  
14 15-202 through 15-208, the earlier of 3 years after the  
15 owner first has a right to demand the property or the  
16 obligation to pay or distribute the property arises.

17 Notwithstanding anything to the contrary in this Section  
18 15-201, and subject to Section 15-210, a deceased owner cannot  
19 indicate interest in his or her property. If the owner is  
20 deceased and the abandonment period for the owner's property  
21 specified in this Section 15-201 is greater than 2 years, then  
22 the property, other than an amount owed by an insurance company  
23 on a life or endowment insurance policy or an annuity contract  
24 that has matured or terminated, shall instead be presumed  
25 abandoned 2 years from the date of the owner's last indication  
26 of interest in the property.

1 (Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18.)

2 (765 ILCS 1026/15-210)

3 Sec. 15-210. Indication of apparent owner interest in  
4 property.

5 (a) The period after which property is presumed abandoned  
6 is measured from the later of:

7 (1) the date the property is presumed abandoned under  
8 this Article; or

9 (2) the latest indication of interest by the apparent  
10 owner in the property.

11 (b) Under this Act, an indication of an apparent owner's  
12 interest in property includes:

13 (1) a record communicated by the apparent owner to the  
14 holder or agent of the holder concerning the property or  
15 the account in which the property is held;

16 (2) an oral communication by the apparent owner to the  
17 holder or agent of the holder concerning the property or  
18 the account in which the property is held, if the holder or  
19 its agent contemporaneously makes and preserves a record of  
20 the fact of the apparent owner's communication;

21 (3) presentment of a check or other instrument of  
22 payment of a dividend, interest payment, or other  
23 distribution, or evidence of receipt of a distribution made  
24 by electronic or similar means, with respect to an account,  
25 underlying security, or interest in a business

1 association;

2 (4) activity directed by an apparent owner in the  
3 account in which the property is held, including accessing  
4 the account or information concerning the account, or a  
5 direction by the apparent owner to increase, decrease, or  
6 otherwise change the amount or type of property held in the  
7 account;

8 (5) a deposit into or withdrawal from an account at a  
9 financial organization, except for a recurring Automated  
10 Clearing House (ACH) debit or credit previously authorized  
11 by the apparent owner or an automatic reinvestment of  
12 dividends or interest; and

13 (6) subject to subsection (e), payment of a premium on  
14 an insurance policy.

15 (c) An action by an agent or other representative of an  
16 apparent owner, other than the holder acting as the apparent  
17 owner's agent, is presumed to be an action on behalf of the  
18 apparent owner.

19 (d) A communication with an apparent owner by a person  
20 other than the holder or the holder's representative is not an  
21 indication of interest in the property by the apparent owner  
22 unless a record of the communication evidences the apparent  
23 owner's knowledge of a right to the property.

24 (e) If the insured dies or the insured or beneficiary of an  
25 insurance policy otherwise becomes entitled to the proceeds  
26 before depletion of the cash surrender value of the policy by

1 operation of an automatic-premium-loan provision or other  
2 nonforfeiture provision contained in the policy, the operation  
3 does not prevent the policy from maturing or terminating.

4 (f) If the apparent owner has another property with the  
5 holder to which Section 201(6) applies, then activity directed  
6 by an apparent owner in any other accounts, including loan  
7 accounts, at a financial organization holding an inactive  
8 account of the apparent owner shall be an indication of  
9 interest in all such accounts if:

10 (A) the apparent owner engages in one or more of  
11 the following activities:

12 (i) the apparent owner undertakes one or more  
13 of the actions described in subsection (b) of this  
14 Section regarding any of the other accounts the  
15 apparent owner has with the financial organization  
16 ~~account that appears on a consolidated statement~~  
17 ~~with the inactive account;~~

18 (ii) the apparent owner increases or decreases  
19 the amount of funds in any other account the  
20 apparent owner has with the financial  
21 organization; or

22 (iii) the apparent owner engages in any other  
23 relationship with the financial organization,  
24 including payment of any amounts due on a loan; and

25 (B) the foregoing apply so long as the mailing  
26 address for the apparent owner in the financial



1 organization's books and records is the same for both  
2 the inactive account and the active account.

3 (Source: P.A. 100-22, eff. 1-1-18.)

4 (765 ILCS 1026/15-503)

5 Sec. 15-503. Notice by administrator.

6 (a) The administrator shall give notice to an apparent  
7 owner that property presumed abandoned and appears to be owned  
8 by the apparent owner is held by the administrator under this  
9 Act.

10 (b) In providing notice under subsection (a), the  
11 administrator shall:

12 (1) except as otherwise provided in paragraph (2), send  
13 written notice by first-class United States mail to each  
14 apparent owner of property valued at \$100 or more held by  
15 the administrator, unless the administrator determines  
16 that a mailing by first-class United States mail would not  
17 be received by the apparent owner, and, in the case of a  
18 security held in an account for which the apparent owner  
19 had consented to receiving electronic mail from the holder,  
20 send notice by electronic mail if the electronic-mail  
21 address of the apparent owner is known to the administrator  
22 instead of by first-class United States mail; or

23 (2) send the notice to the apparent owner's  
24 electronic-mail address if the administrator does not have  
25 a valid United States mail address for an apparent owner,

1 but has an electronic-mail address that the administrator  
2 does not know to be invalid.

3 (c) In addition to the notice under subsection (b), the  
4 administrator shall:

5 (1) publish every 6 months in at least one English  
6 language newspaper of general circulation in each county in  
7 this State notice of property held by the administrator  
8 which must include:

9 (A) the total value of property received by the  
10 administrator during the preceding 6-month period,  
11 taken from the reports under Section 15-401;

12 (B) the total value of claims paid by the  
13 administrator during the preceding 6-month period;

14 (C) the Internet web address of the unclaimed  
15 property website maintained by the administrator;

16 (D) an ~~a telephone number and~~ electronic-mail  
17 address to contact the administrator to inquire about  
18 or claim property; and

19 (E) a statement that a person may access the  
20 Internet by a computer to search for unclaimed property  
21 and a computer may be available as a service to the  
22 public at a local public library.

23 (2) The administrator shall maintain a website  
24 accessible by the public and electronically searchable  
25 which contains the names reported to the administrator of  
26 apparent owners for whom property is being held by the

1 administrator. The administrator need not list property on  
2 such website when: no owner name was reported, a claim has  
3 been initiated or is pending for the property, the  
4 administrator has made direct contact with the apparent  
5 owner of the property, and in other instances where the  
6 administrator reasonably believes exclusion of the  
7 property is in the best interests of both the State and the  
8 owner of the property.

9 (d) The website or database maintained under subsection  
10 (c) (2) must include instructions for filing with the  
11 administrator a claim to property and an online claim form with  
12 instructions. The website may also provide a printable claim  
13 form with instructions for its use.

14 (e) Tax return identification of apparent owners of  
15 abandoned property.

16 (1) At least annually the administrator shall notify  
17 the Department of Revenue of the names of persons appearing  
18 to be owners of abandoned property under this Section. The  
19 administrator shall also provide to the Department of  
20 Revenue the social security numbers of the persons, if  
21 available. The administrator does not need to notify the  
22 Department of Revenue of the names or social security  
23 numbers of apparent owners of abandoned property if he or  
24 she reasonably believes that the Department of Revenue will  
25 be unable to provide information that would provide  
26 sufficient evidence to establish that the person in the

1       Department of Revenue's records is the apparent owner of  
2       unclaimed property in the custody of the administrator.

3           (2) The Department of Revenue shall notify the  
4 administrator if any person under subsection (e)(1) has  
5 filed an Illinois income tax return and shall provide the  
6 administrator with the last known address of the person as  
7 it appears in Department of Revenue records, except as  
8 prohibited by federal law. The Department of Revenue may  
9 also provide additional addresses for the same taxpayer  
10 from the records of the Department, except as prohibited by  
11 federal law.

12           (3) In order to facilitate the return of property under  
13 this subsection, the administrator and the Department of  
14 Revenue may enter into an interagency agreement concerning  
15 protection of confidential information, data match rules,  
16 and other issues.

17           (4) The administrator may deliver, as provided under  
18 Section 15-904 of this Act, property or pay the amount  
19 owing to a person matched under this Section without the  
20 person filing a claim under Section 15-903 of this Act if  
21 the following conditions are met:

22                   (A) the value of the property that is owed the  
23                   person is \$2,000 or less;

24                   (B) the property is not either tangible property or  
25                   securities;

26                   (C) the last known address for the person according

1 to the Department of Revenue records is less than 12  
2 months old; and

3 (D) the administrator has evidence sufficient to  
4 establish that the person who appears in Department of  
5 Revenue records is the owner of the property and the  
6 owner currently resides at the last known address from  
7 the Department of Revenue.

8 (5) If the value of the property that is owed the  
9 person is greater than \$2,000, or is tangible property or  
10 securities the administrator shall provide notice to the  
11 person, informing the person that he or she is the owner of  
12 abandoned property held by the State and may file a claim  
13 with the administrator for return of the property.

14 (f) The administrator may use additional databases to  
15 verify the identity of the person and that the person currently  
16 resides at the last known address. The administrator may  
17 utilize publicly and commercially available databases to find  
18 and update or add information for apparent owners of property  
19 held by the administrator.

20 (g) In addition to giving notice under subsection (b),  
21 publishing the information under subsection (c)(1) and  
22 maintaining the website or database under subsection (c)(2),  
23 the administrator may use other printed publication,  
24 telecommunication, the Internet, or other media to inform the  
25 public of the existence of unclaimed property held by the  
26 administrator.

1 (Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18.)

2 (765 ILCS 1026/15-603)

3 Sec. 15-603. Payment or delivery of property to  
4 administrator.

5 (a) Except as otherwise provided in this Section, on filing  
6 a report under Section 15-401, the holder shall pay or deliver  
7 to the administrator the property described in the report.

8 (b) If property in a report under Section 15-401 is an  
9 automatically renewable time deposit and the holder determines  
10 that a penalty or forfeiture in the payment of interest would  
11 result from paying the deposit to the administrator at the time  
12 of the report, the date for reporting and delivering ~~payment of~~  
13 the property to the administrator is extended until a penalty  
14 or forfeiture no longer would result from delivery of the  
15 property to the administrator. The holder shall report and  
16 deliver the property on the next regular date prescribed for  
17 reporting by the holder under this Act after this extended  
18 date, and the holder shall indicate in its report to the  
19 administrator that the property is being reported on an  
20 extended date pursuant to this subsection (b). ~~payment, if the~~  
21 ~~holder informs the administrator of the extended date.~~

22 (c) Tangible property in a safe-deposit box may not be  
23 delivered to the administrator until a mutually agreed upon  
24 date that is no sooner than 60 days after filing the report  
25 under Section 15-401.

1 (d) If property reported to the administrator under Section  
2 15-401 is a security, the administrator may:

3 (1) make an endorsement, instruction, or entitlement  
4 order on behalf of the apparent owner to invoke the duty of  
5 the issuer, its transfer agent, or the securities  
6 intermediary to transfer the security; or

7 (2) dispose of the security under Section 15-702.

8 (e) If the holder of property reported to the administrator  
9 under Section 15-401 is the issuer of a certificated security,  
10 the administrator may obtain a replacement certificate in  
11 physical or book-entry form under Section 8-405 of the Uniform  
12 Commercial Code. An indemnity bond is not required.

13 (f) The administrator shall establish procedures for the  
14 registration, issuance, method of delivery, transfer, and  
15 maintenance of securities delivered to the administrator by a  
16 holder.

17 (g) An issuer, holder, and transfer agent or other person  
18 acting in good faith under this Section under instructions of  
19 and on behalf of the issuer or holder is not liable to the  
20 apparent owner for a claim arising with respect to property  
21 after the property has been delivered to the administrator.

22 (h) A holder is not required to deliver to the  
23 administrator a security identified by the holder as a  
24 non-freely transferable security in a report filed under  
25 Section 15-401. If the administrator or holder determines that  
26 a security is no longer a non-freely transferable security, the

1 holder shall report and deliver the security on the next  
2 regular date prescribed for delivery of securities by the  
3 holder under this Act. The holder shall make a determination  
4 annually whether a security identified in a report filed under  
5 Section 15-401 as a non-freely transferable security is no  
6 longer a non-freely transferable security.

7 (Source: P.A. 100-22, eff. 1-1-18.)

8 (765 ILCS 1026/15-1002.1)

9 Sec. 15-1002.1. Examination of ~~State-regulated~~ financial  
10 organizations.

11 (a) Notwithstanding Section 15-1002 of this Act, for any  
12 financial organization for which the Department of Financial  
13 and Professional Regulation is the primary prudential  
14 regulator, the administrator shall not examine such financial  
15 institution unless the administrator has consulted with the  
16 Secretary of Financial and Professional Regulation and the  
17 Department of Financial and Professional Regulation has not  
18 examined such financial organization for compliance with this  
19 Act within the past 5 years. The Secretary of Financial and  
20 Professional Regulation may waive in writing the provisions of  
21 this subsection (a) in order to permit the administrator to  
22 examine a financial organization or group of financial  
23 organizations for compliance with this Act.

24 (b) Nothing in this Section shall be construed to prohibit  
25 the administrator from examining a financial organization for



1 which the Department of Financial and Professional Regulation  
2 is not the primary prudential regulator. Further, nothing in ~~is~~  
3 this Act shall be construed to limit the authority of the  
4 Department of Financial and Professional Regulation to examine  
5 financial organizations.

6 (c) Notwithstanding Section 15-1002, the administrator  
7 may, at reasonable times and upon reasonable notice:

8 (1) examine the records of a financial organization  
9 that is a federally chartered bank, savings bank, or credit  
10 union if the administrator has reason to believe that the  
11 financial organization has failed to comply with this Act;

12 (2) issue an administrative subpoena requiring the  
13 financial organization or an agent of the financial  
14 organization to make records available for examination;  
15 and

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

18 The administrator may adopt administrative rules that  
19 specify conditions under which the administrator has a reason  
20 to believe that a financial organization is not in compliance  
21 with this Act.

22 (Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18.)

23 (765 ILCS 1026/15-1004)

24 Sec. 15-1004. Records obtained in examination. Records  
25 obtained and records, including work papers, compiled by the

1 administrator or administrator's agent in the course of  
2 conducting an examination under Section 15-1002 or Section  
3 15-1002.1:

4 (1) are subject to the confidentiality and security  
5 provisions of Article 14 and are exempt from disclosure  
6 under the Freedom of Information Act;

7 (2) may be used by the administrator in an action to  
8 collect property or otherwise enforce this Act;

9 (3) may be used in a joint examination conducted with  
10 another state, the United States, a foreign country or  
11 subordinate unit of a foreign country, or any other  
12 governmental entity if the governmental entity conducting  
13 the examination is legally bound to maintain the  
14 confidentiality and security of information obtained from  
15 a person subject to examination in a manner substantially  
16 equivalent to Article 14;

17 (4) may be disclosed, on request, to the person that  
18 administers the unclaimed property law of another state for  
19 that state's use in circumstances equivalent to  
20 circumstances described in this Article, if the other state  
21 is required to maintain the confidentiality and security of  
22 information obtained in a manner substantially equivalent  
23 to Article 14;

24 (5) must be produced by the administrator under an  
25 administrative or judicial subpoena or administrative or  
26 court order; and

1           (6) must be produced by the administrator on request of  
2           the person subject to the examination in an administrative  
3           or judicial proceeding relating to the property.

4           (Source: P.A. 100-22, eff. 1-1-18.)

5           (765 ILCS 1026/15-1401)

6           Sec. 15-1401. Confidential information.

7           (a) Except as otherwise provided in this Section,  
8           information that is confidential under law of this State other  
9           than this Act, another state, or the United States, including  
10          "private information" as defined in the Freedom of Information  
11          Act and "personal information" as defined in the Personal  
12          Information Protection Act, continues to be confidential when  
13          disclosed or delivered under this Act to the administrator or  
14          administrator's agent.

15          (b) Information provided in reports filed pursuant to  
16          Section 15-401, information obtained in the course of an  
17          examination pursuant to Section 15-1002 or Section 15-1002.1,  
18          and the database required by Section 15-503 is exempt from  
19          disclosure under the Freedom of Information Act.

20          (c) If reasonably necessary to enforce or implement this  
21          Act, the administrator or the administrator's agent may  
22          disclose confidential information concerning property held by  
23          the administrator or the administrator's agent to:

24                  (1) an apparent owner or the apparent owner's  
25                  representative under the Probate Act of 1975, attorney,

1 other legal representative, or relative;

2 (2) the representative under the Probate Act of 1975,  
3 other legal representative, relative of a deceased  
4 apparent owner, or a person entitled to inherit from the  
5 deceased apparent owner;

6 (3) another department or agency of this State or the  
7 United States;

8 (4) the person that administers the unclaimed property  
9 law of another state, if the other state accords  
10 substantially reciprocal privileges to the administrator  
11 of this State if the other state is required to maintain  
12 the confidentiality and security of information obtained  
13 in a manner substantially equivalent to Article 14;

14 (5) a person subject to an examination as required by  
15 Section 15-1004; and

16 (6) an agent of the administrator.

17 (d) The administrator may include on the website or in the  
18 database the names and addresses of apparent owners of property  
19 held by the administrator as provided in Section 15-503. The  
20 administrator may include in published notices, printed  
21 publications, telecommunications, the Internet, or other media  
22 and on the website or in the database additional information  
23 concerning the apparent owner's property if the administrator  
24 believes the information will assist in identifying and  
25 returning property to the owner and does not disclose personal  
26 information as defined in the Personal Information Protection

1 Act.

2 (e) The administrator and the administrator's agent may not  
3 use confidential information provided to them or in their  
4 possession except as expressly authorized by this Act or  
5 required by law other than this Act.

6 (Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18.)

7 (765 ILCS 1026/15-1402)

8 Sec. 15-1402. Confidentiality agreement. A person to be  
9 examined under Section 15-1002 or Section 15-1002.1 may  
10 require, as a condition of disclosure of the records of the  
11 person to be examined, that the administrator or the  
12 administrator's agent execute and deliver to the person to be  
13 examined a confidentiality agreement that:

14 (1) is in a form that is reasonably satisfactory to the  
15 administrator; and

16 (2) requires the person having access to the records to  
17 comply with the provisions of this Article applicable to  
18 the person.

19 (Source: P.A. 100-22, eff. 1-1-18.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."