

HB0019



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0019

Introduced 1/12/2011, by Rep. Mike Bost

SYNOPSIS AS INTRODUCED:

765 ILCS 1025/11

from Ch. 141, par. 111

Amends the Uniform Disposition of Unclaimed Property Act. Provides that before filing the annual report, the holder of property that is presumed abandoned under the Act shall send a letter to the owner by certified (instead of first class) mail about the steps necessary to prevent abandonment of the property from being presumed. Effective immediately.

LRB097 02842 AJO 42864 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Uniform Disposition of Unclaimed Property
5 Act is amended by changing Section 11 as follows:

6 (765 ILCS 1025/11) (from Ch. 141, par. 111)

7 Sec. 11. Report of holder.

8 (a) Except as otherwise provided in subsection (c) of
9 Section 4, every person holding funds or other property,
10 tangible or intangible, presumed abandoned under this Act shall
11 report and remit all abandoned property specified in the report
12 to the State Treasurer with respect to the property as
13 hereinafter provided. The State Treasurer may exempt any
14 businesses from the reporting requirement if he deems such
15 businesses unlikely to be holding unclaimed property.

16 (b) The information shall be obtained in one or more
17 reports as required by the State Treasurer. The information
18 shall be verified and shall include:

19 (1) the name, social security or federal tax
20 identification number, if known, and last known address,
21 including zip code, of each person appearing from the
22 records of the holder to be the owner of any property of
23 the value of \$25 or more presumed abandoned under this Act;

1 (2) in case of unclaimed funds of life insurance
2 corporations the full name of the insured and any
3 beneficiary or annuitant and the last known address
4 according to the life insurance corporation's records;

5 (3) the date when the property became payable,
6 demandable, or returnable, and the date of the last
7 transaction with the owner with respect to the property;
8 and

9 (4) other information which the State Treasurer
10 prescribes by rule as necessary for the administration of
11 this Act.

12 (c) If the person holding property presumed abandoned is a
13 successor to other persons who previously held the property for
14 the owner, or if the holder has changed his name while holding
15 the property, he shall file with his report all prior known
16 names and addresses of each holder of the property.

17 (d) The report and remittance of the property specified in
18 the report shall be filed by banking organizations, financial
19 organizations, insurance companies other than life insurance
20 corporations, and governmental entities before November 1 of
21 each year as of June 30 next preceding. The report and
22 remittance of the property specified in the report shall be
23 filed by business associations, utilities, and life insurance
24 corporations before May 1 of each year as of December 31 next
25 preceding. The Director may postpone the reporting date upon
26 written request by any person required to file a report. The

1 report and remittance of the property specified in the report
2 for property subject to subsection (a) of Section 3a of this
3 Act shall be filed before a date established by the State
4 Treasurer that is on or after the later of: (i) 30 days after
5 the effective date of this amendatory Act of the 94th General
6 Assembly; or (ii) November 1, 2005.

7 (d-5) Notwithstanding the foregoing, currency exchanges
8 shall be required to report and remit property specified in the
9 report within 30 days after the conclusion of its annual
10 examination by the Department of Financial Institutions. As
11 part of the examination of a currency exchange, the Department
12 of Financial Institutions shall instruct the currency exchange
13 to submit a complete unclaimed property report using the State
14 Treasurer's formatted diskette reporting program or an
15 alternative reporting format approved by the State Treasurer.
16 The Department of Financial Institutions shall provide the
17 State Treasurer with an accounting of the money orders located
18 in the course of the annual examination including, where
19 available, the amount of service fees deducted and the date of
20 the conclusion of the examination.

21 (e) Before filing the annual report, the holder of property
22 presumed abandoned under this Act shall communicate with the
23 owner at his last known address if any address is known to the
24 holder, setting forth the provisions hereof necessary to occur
25 in order to prevent abandonment from being presumed. If the
26 holder has not communicated with the owner at his last known

1 address at least 120 days before the deadline for filing the
2 annual report, the holder shall mail, at least 60 days before
3 that deadline, a letter by certified ~~first class~~ mail to the
4 owner at his last known address unless any address is shown to
5 be inaccurate, setting forth the provisions hereof necessary to
6 prevent abandonment from being presumed.

7 (f) Verification, if made by a partnership, shall be
8 executed by a partner; if made by an unincorporated association
9 or private corporation, by an officer; and if made by a public
10 corporation, by its chief fiscal officer.

11 (g) Any person who has possession of property which he has
12 reason to believe will be reportable in the future as unclaimed
13 property, may report and deliver it prior to the date required
14 for such reporting in accordance with this Section and is then
15 relieved of responsibility as provided in Section 14.

16 (h) (1) Records pertaining to presumptively abandoned
17 property held by a trust division or trust department or by a
18 trust company, or affiliate of any of the foregoing that
19 provides nondealer corporate custodial services for securities
20 or securities transactions, organized under the laws of this or
21 another state or the United States shall be retained until the
22 property is delivered to the State Treasurer.

23 As of January 1, 1998, this subdivision (h) (1) shall not be
24 applicable unless the Department of Financial Institutions has
25 commenced, but not finalized, an examination of the holder as
26 of that date and the property is included in a final

1 examination report for the period covered by the examination.

2 (2) In the case of all other holders commencing on the
3 effective date of this amendatory Act of 1993, property records
4 for the period required for presumptive abandonment plus the 9
5 years immediately preceding the beginning of that period shall
6 be retained for 5 years after the property was reportable.

7 (i) The State Treasurer may promulgate rules establishing
8 the format and media to be used by a holder in submitting
9 reports required under this Act.

10 (j) Other than the Notice to Owners required by Section 12
11 and other discretionary means employed by the State Treasurer
12 for notifying owners of the existence of abandoned property,
13 the State Treasurer shall not disclose any information provided
14 in reports filed with the State Treasurer or any information
15 obtained in the course of an examination by the State Treasurer
16 to any person other than governmental agencies for the purposes
17 of returning abandoned property to its owners or to those
18 individuals who appear to be the owner of the property or
19 otherwise have a valid claim to the property, unless written
20 consent from the person entitled to the property is obtained by
21 the State Treasurer.

22 (Source: P.A. 93-531, eff. 8-14-03; 94-686, eff. 11-2-05.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.