

AN ACT concerning civil law.

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

Section 5. The Uniform Disposition of Unclaimed Property Act is amended by changing Sections 2 and 2a as follows:

(765 ILCS 1025/2) (from Ch. 141, par. 102)

Sec. 2. Property held by financial organizations; presumption of abandonment. The following property held or owing by a banking or financial organization is presumed abandoned:

(a) Any demand, savings, or matured time deposit with a banking organization, together with any interest or dividend thereon, excluding any charges that may lawfully be withheld, unless the owner has, within 5 years:

(1) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) Corresponded in writing with the banking organization concerning the deposit;

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization; or

(4) Engaged in the following activity regarding other

funds or loan accounts with the banking organization:

(i) undertook one or more the above actions described in subsection (a) of this Section regarding any account that appears on a consolidated statement with the inactive account;

(ii) increased or decreased the amount of funds in any other account the owner has with the banking organization; or

(iii) engaged in any other relationship with the banking organization, including payment of any amounts due on a loan.

The foregoing apply so long as the mailing address for the owner in the banking organization's books and records is the same for both the inactive account and for the active account.

(b) Any funds paid toward the purchase of withdrawable shares or other interest in a financial organization, or any deposit made, and any interest or dividends thereon, excluding any charges that may be lawfully withheld, unless the owner has within 5 years:

(1) Increased or decreased the amount of the funds, or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit;

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the

financial organization; or

(4) Engaged in the following activity regarding other funds or loan accounts with the financial organization:

(i) undertook one or more the above actions described in subsection (b) of this Section regarding any account that appears on a consolidated statement with the inactive account;

(ii) increased or decreased the amount of funds in any other account the owner has with the financial organization; or

(iii) engaged in any other relationship with the financial organization, including payment of any amounts due on a loan.

The foregoing apply so long as the mailing address for the owner in the financial organization's books and records is the same for both the inactive account and for the active account.

(c) Any sum payable on checks or on written instruments on which a banking or financial organization or business association is directly liable including, by way of illustration but not of limitation, certificates of deposit, drafts, money orders and travelers checks, that with the exception of travelers checks and unclaimed wages, payroll, and salary has been outstanding for more than 5 years from the date it was payable, or from the date of its issuance if payable on demand, or, in the case of travelers checks, that has been outstanding for more than 15 years from the date of its

issuance, or, in the case of unclaimed wages, payroll, or salary, that has been outstanding for more than one year from the date of its issuance, excluding any charges that may be lawfully withheld relating to money orders issued by currency exchanges, unless the owner has within 5 years (or within 15 years in the case of travelers checks or one year in the case of unclaimed wages, payroll, or salary) corresponded in writing with the banking or financial organization or business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safekeeping repository or agency or collateral deposit box on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed by the owner for more than 5 years from the date on which the lease or rental period expired, subject to lien of the holder for reimbursement of costs incurred in the opening of a safe deposit box as determined by the holder's regular schedule of charges.

(e) Notwithstanding any other provision of this Section, no deposit except passbook, checking, NOW accounts, super NOW accounts, money market accounts, or such similar accounts as established by Rule of the State Treasurer, held by a banking

or financial organization shall be presumed abandoned if with respect to such a deposit which specifies a definite maturity date, such organization was authorized in writing to extend or rollover the account for an additional like period and such organization does so extend. Such deposits are not presumed abandoned less than 5 years from that final maturity date. Property of any kind held in an individual retirement account (IRA) is not presumed abandoned earlier than 5 years after the owner attains the age at which distributions from the account become mandatory under law.

(f) Notwithstanding any other provision of this Section, money of a minor deposited pursuant to Section 24-21 of the Probate Act of 1975 shall not be presumed abandoned earlier than 5 years after the minor attains legal age. Such money shall be deposited in an account which shall indicate the birth date of the minor.

(Source: P.A. 94-255, eff. 1-1-06.)

(765 ILCS 1025/2a) (from Ch. 141, par. 102a)

Sec. 2a. (a) Business associations shall report, pursuant to Section 11 of this Act, all property and any earnings thereon to which the owner would be entitled that have remained unclaimed for 5 years and are therefore presumed abandoned. Before reporting and delivering property as required under this Act, a business association may deduct from the amount of otherwise reportable intangible personal property the economic

loss suffered by it in connection with that intangible personal property arising from transactions involving the sale of tangible personal property at retail. This property shall consist of, but is not limited to:

- (1) (blank); ~~unclaimed wages;~~
- (2) deposits or payment for repair or purchase of goods or services;
- (3) credit checks or memos, or customer overpayments;
- (4) stocks, bonds, or any other type of securities or debt instruments, and interest and dividends therefrom;
- (5) unidentified remittances, unrefunded overcharges;
- (6) unpaid claims, unpaid accounts payable or unpaid commissions; and
- (7) credit balances - accounts receivable, checks written off, employee bond buying and profit-sharing.

(b) Notwithstanding the provisions of subsection (a), any property due or owed by a business association to or for the benefit of another business association resulting from a transaction occurring in the normal and ordinary course of business shall be exempt from the provisions of this Act.

(c) Notwithstanding the provisions of subsection (a), unclaimed wages, payroll, and salary, in any form, shall be reported after remaining unclaimed for one year, pursuant to Section 2.

(Source: P.A. 90-167, eff. 7-23-97; 91-688, eff. 3-23-00.)

Section 99. Effective date. This Act takes effect upon

Public Act 097-0270

HB1560 Enrolled

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becoming law.