**Section 760.300 Apparent Owner Interest**

a) Under Section 15-210(a) of the Act *the period after which property is presumed abandoned is measured from the later of:*

1) *the date the property is presumed abandoned under the* Act*; or*

2) *the latest indication of interest by the apparent owner in the property.*

b) *Under* Section 15-210(b) of *the* *Act*, *an indication of an apparent owner's interest in property includes,* but is not limited to*:*

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

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

3) *presentment of a check or other instrument of payment of a dividend, interest payment, or other distribution, or evidence of receipt of a distribution made by electronic or similar means, with respect to an account, underlying security, or interest in a business association;*

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

5) *a deposit into or withdrawal from an account at a financial organization, except for a recurring ACH debit or credit previously authorized by the apparent owner or an automatic reinvestment of dividends or interest; and*

6) *subject to Section 15-210(e) of the Act, payment of a premium on an insurance policy.*

c) Owner-initiated Activity. Owner-initiated financial transactions or authenticated owner-initiated administrative activity are an indication of an apparent owner's interest in the property. A holder must maintain a record of owner-initiated activity. These include, without limitation:

1) trading activity in the account;

2) depositing funds into the account or withdrawing funds from the account;

3) non-automated electronic distributions;

4) contacting the holder to discuss any account related matters;

5) sending the holder paperwork or documents related to the account;

6) meeting with (or otherwise interacting with) a financial advisor regarding the account;

7) modifying the account profile;

8) sending the holder correspondence regarding the account whether via mail or electronic means, including e-mail;

9) submitting an account service request online;

10) voting a proxy;

11) setting up the account for e-delivery;

12) accessing the account via the holder's website or other electronic means; and

13) the initial authorizing of automatic payments or distributions from the account by the apparent owner.

d) Activity that Does Not Show Apparent Owner Interest. Apparent owner interest is distinguishable from holder-generated activity such as, without limitation, crediting dividends, posting account fees, and mailing account statements, which does not constitute apparent owner interest.

1) Automatic financial or administrative transactions or activity, such as automatic payments or distributions or automatic portfolio rebalancing, or system conversions, shall not be considered apparent owner interest.

2) Non-return of Mail

A) Non-return of mail sent by the holder to an account owner does not constitute apparent owner interest.

B) Returned Post Officer (RPO) Standard

i) Despite the general rule that non-return of mail does not constitute apparent owner interest, certain types of property are considered abandoned when first-class mail is returned undelivered to the holder by the U.S. Postal Service. This is commonly referred to as an RPO standard and is used in Sections 15-202, 15-204 and 15-208 of the Act.

ii) When an RPO standard is used in the Act, the non-return of mail still does not constitute apparent owner interest. Instead, the presumption of abandonment is triggered by the return of the mail instead of by the passage of time without apparent owner interest.

iii) In Section 15-208 of the Act, a security is presumptively abandoned on the earlier of 3 years after an RPO standard is met or 5 years from the last indication of interest by the apparent owner. The non-return of mail does not constitute apparent owner interest for the 5-year presumption under Section 15-208 of the Act.

e) Interest by a Person Other Than the Apparent Owner

1) *An action by an agent or other representative of an apparent owner, other than the holder acting as the apparent owner's agent, is presumed to be an action on behalf of the apparent owner*. [765 ILCS 1026/15-210(c)]

2) *A communication with an apparent owner by a person other than the holder or the holder's representative is not an indication of interest in the property by the apparent owner unless a record of the communication evidences the apparent owner's knowledge of a right to the property*. [765 ILCS 1026/15-210(d)]

3) If an apparent owner is deceased, apparent owner interest shall include, but is not limited to, activity of beneficiaries and estate executors or other persons who have a legal or equitable right to ownership or custody of the property.

f) Consolidated Statement Rule for Financial Organizations

1) *If the apparent owner has another property with the holder to which Section 201(6)* of the Act *applies, then activity directed by an apparent owner in any other accounts, including loan accounts, at a financial organization holding an inactive account of the apparent owner shall be an indication of interest in all such accounts if the apparent owner engages in one or more of the following activities:*

A) *the apparent owner undertakes one or more of the actions described in* this Section *regarding any of the other accounts the apparent owner has with the financial organization;*

B) *the apparent owner increases or decreases the amount of funds in any other account the apparent owner has with the financial organization; or*

C) *the apparent owner engages in any other relationship with the financial organization, including payment of any amounts due on a loan.*

2) This subsection (f) *applies so long as the mailing address for the apparent owner in the financial organization's books and records is the same for both the inactive account and the active account.* [765 ILCS 1026/15-210(f)]

g) *For an amount held on a payroll card, an indication of owner interest includes wages from an employer pursuant to Section 14.5 of the Illinois Wage Payment and Collection Act* [820 ILCS 115] *in the form of a recurring ACH credit previously authorized by the apparent owner; however, an ACH credit is not an indication of owner interest if the holder assesses fees for account inactivity on the payroll card account.* [765 ILCS 1026/15-210(g)]

(Source: Amended at 46 Ill. Reg. 16898, effective September 26, 2022)