

Uniform Law
Commission
Revised Unclaimed
Property Act

House Committee on Commerce & Economic Development

Committee Bill (DR19-0235)
April 2, 2019

What we will cover today

- Concepts and overview
- Road map / table of contents
- Walk through (1 – 2 hours)

Concepts and Overview

- What are we talking about?
- Why are we talking about it?
- Structure: New chapter 18 in T. 27 (replacing chapter 14)
- Escheat and other words from the Norman Conquest

Road Map of Bill

- Subchapter 1 (p. 1): General, definitions, rule-making authority
- Subchapter 2 (p. 12): Presumption of abandonment
- Subchapter 3 (p. 35): Rules for taking custody of presumed abandoned property
- Subchapter 4 (p. 40): Report by holder
- Subchapter 5 (p. 45): Notice to apparent owner
- Subchapter 6 (p. 49): Treasurer taking custody of property
- Subchapter 7 (p. 58): Sale of property

Road Map of Bill (continued)

- Subchapter 8 (p. 62): Administration of property
- Subchapter 9 (p. 64): Claim to recover property from Treasurer
- Subchapter 10 (p. 72): Verified report, examination
- Subchapter 11 (p. 82): Liability, remedies
- Subchapter 12 (p. 87): Enforcement by Treasurer
- Subchapter 13 (p. 92): Agreement to locate property
- Subchapter 14 (p. 95): Confidentiality, security
- Subchapter 15 (p. 103): Miscellaneous

Subchapter 1 : Definitions & Rule Making

- Sec. 1452 Definitions
- Sec. 1454 Rule making authority Treasurer

Subchapter 2: Presumption of Abandonment

- Sec 1461 Sets time periods by type of property
- Sec. 1462 Concerns retirement accounts & sets steps for notification, which are repeated in other sections concerning other types property
- Sec. 1470 Indication of interest by apparent owner
- Sec. 1473 Unclaimed life insurance
- Sec. 1474 Acceleration

Subchapter 3: Taking Custody of Abandoned Property

- Sec. 1482 Treasurer can take custody of property if last known address of owner is in Vermont
- Sec. 1481 How determine last known address
- Sec. 1483 Multiple addresses
- Secs. 1484 – 85 Other grounds for Treasurer to take custody

Subchapter 4: Duty Holder to Report to Treasurer

- Sec. 1491 Report
- Sec. 1492 Contents
- Sec. 1493 Dates to file
- Sec. 1494 Records
- Sec. 1496 Electric Utilities (VT specific section)

Subchapter 5: Notice to Apparent Owner

- Sec. 1501 Holder's duty notify apparent owner
- Sec. 1502 Requirements as to form and contents of notice
- Sec. 1503 If Treasurer has custody, must give notice & ways for Treasurer to do so

Subchapter 6: Taking Custody of Property

- Sec. 1513 Upon filing report, holder shall deliver property to Treasurer; exceptions & special rules for certain types of property
- Sec. 1514 Treasurer assumes custody
- Sec. 1515 Holder who delivers property to Treasurer can claim reimbursement or seek return property
- Sec. 1518 Treasurer can decline to accept property
- Sec. 1519 Allows Treasurer to dispose of, or return, property without substantial value

Subchapter 7: Sale of Property

- Sec. 1531 Treasurer may sell property after 3 years
- Sec. 1532 Special rules as to sale securities & subsequent claim
- Sec. 1534 Purchaser takes property free of all claims

Subchapter 8: Administration of Property & Funds

- Sec. 1541 Treasurer receives funds & has authority to maintain accounts to pay claims
- Sec. 1542 Record keeping
- Sec. 1543 Treasurer shall deposit funds into G.F. after deducting certain costs & expenses

Subchapter 9: Claim to Recover Property from Administrator

- Sec. 1551 Treasurer's obligation to report & deliver property to another state if superior claim
- Sec. 1552 When another state has superior claim
- Sec. 1553 Claim by owner against Treasurer
- Sec. 1554 Standard for Treasurer to decide claim, time period, and owner's recourse if denied
- Sec. 1555 Time period for Treasurer to pay after granting claim & certain debts or fines will be paid out of proceeds of any claim
- Sec. 1556 Owner can go to court if claim denied

Subchapter 10: Examination of Records

- Sec. 1561 Verified report
- Sec. 1562 Examination
- Sec. 1563 Rules for examination
- Sec. 1564 Confidentiality and use of records
- Sec. 1567 Treasurer's obligation to provide report of examination
- Sec. 1569 Limits on hiring relative, contracting procedures, compensation for contractor
- Sec. 1571 Report to General Assembly

Subchapters 11 & 12: Determination of Liability & Enforcement

- Sec. 1581 Informal conference
- Secs. 1582 - 84 Review, administrative review, litigation (by holder)
- Sec. 1591 Litigation by Treasurer
- Secs. 1592 - 93 Information sharing & cooperation with another state or foreign country
- Secs. 1594 - 95 Interest, penalties

Subchapter 13: Agreement to Locate Property

- Secs. 1601 – 1602 Requirements for and restrictions on contracts
- Sec. 1604 Asset locators

Subchapter 14: Confidentiality and Security of Information

- Sec. 1612 Personal information is confidential
- Sec. 1616 - 17 Requirements to safeguard personal information and response to security breach

Subchapter 15: Miscellaneous

- Effective date: July 1, 2019

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