

# SENATE BILL NO. 125

February 26, 2019, Introduced by Senator BARRETT and referred to the Committee on Families, Seniors and Veterans.

A bill to amend 1995 PA 29, entitled  
"Uniform unclaimed property act,"  
by amending section 18 (MCL 567.238), as amended by 2010 PA 197.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 18. (1) A person holding property presumed abandoned and  
2 subject to ~~the~~**this** state's custody as unclaimed property under  
3 this act shall report to the administrator concerning the property  
4 as provided in this section.

5           (2) The report ~~shall~~**must** be verified and ~~shall~~**must** include  
6 all of the following:

1 (a) The name, if known, ~~social security~~ **Social Security**  
2 number, if known, and last known address, if any, of each person  
3 appearing from the records of the holder to be the owner of  
4 property of the value of \$50.00 or more presumed abandoned under  
5 this act. This subdivision does not apply to travelers checks ~~and~~  
6 **or** money orders.

7 (b) ~~In the case of~~ **For** unclaimed funds of \$50.00 or more held  
8 or owing under any life or endowment insurance policy or annuity  
9 contract, the full name and last known address of the insured or  
10 annuitant and of the beneficiary according to the records of the  
11 insurance company holding or owing the funds.

12 (c) ~~In the case of~~ **For** the contents of a safe deposit box or  
13 other safekeeping repository or of other tangible property, a  
14 description of the property and the place where it is held and may  
15 be inspected by the administrator and any amounts owing to the  
16 holder.

17 (d) The nature and identifying number, if any, or description  
18 of the property and the amount appearing from the records to be  
19 due. However, items of value under \$50.00 each may be reported in  
20 the aggregate.

21 (e) The date the property became payable, demandable, or  
22 returnable, and the date of the last transaction with the apparent  
23 owner with respect to the property.

24 (f) Other information the administrator requires by rule as  
25 necessary for the administration of this act.

26 (3) If the person holding property presumed abandoned and  
27 subject to ~~the~~ **this** state's custody as unclaimed property under  
28 this act is a successor to other persons who previously held the  
29 property for the apparent owner, or the holder has changed its name

1 while holding the property, the holder shall file with the report  
2 all known names and addresses of each previous holder of the  
3 property.

4 (4) Except as otherwise provided in this subsection, the  
5 report ~~shall **must**~~ be filed ~~on or before November 1 of each year for~~  
6 ~~the 12-month period ending on the immediately preceding June 30.~~  
7 ~~However, in 2011, the report shall be filed on or before July 1,~~  
8 ~~2011 for the 9-month period ending on March 31, 2011, and for years~~  
9 ~~ending after December 31, 2011, the report shall be filed on or~~  
10 ~~before July 1-2~~ of each year for the 12-month period ending on the  
11 immediately preceding March 31. The administrator may postpone the  
12 date to file a report ~~on~~ written request by any person required  
13 to file a report under this section. The administrator may extend  
14 the filing date for up to 60 days after the deadline if an  
15 estimated payment is paid on or before the deadline for the  
16 applicable period. Remittance of an estimated payment without a  
17 report on or before the deadline ~~shall **must**~~ be considered a request  
18 for extension. A request for extension of time to file the report  
19 is not a request for an extension of time to remit payments.  
20 Interest and penalties will not accrue during the extension period  
21 against a person who remits an estimated payment. The administrator  
22 shall determine how estimated payments are to be remitted.

23 (5) Not less than 60 days or more than 365 days before filing  
24 the report required by this section, the holder in possession of  
25 property presumed abandoned and subject to the state's custody as  
26 unclaimed property under this act shall send written notice to the  
27 apparent owner at his or her last known address informing him or  
28 her that the holder is in possession of property subject to this  
29 act if all of the following requirements are met:

1 (a) The holder has in its records an address for the apparent  
2 owner that the holder's records do not disclose to be inaccurate.

3 (b) The claim of the apparent owner is not barred by the  
4 statute of limitations.

5 (c) The property has a value of \$50.00 or more or, if the  
6 holder filing a report under this section is reporting for the  
7 current report year at least 25,000 properties over \$50.00 each,  
8 the property has a value of \$100.00 or more.

9 (6) There is appropriated from ~~funds~~**money** generated by  
10 unclaimed properties deposited under this act the sum of  
11 \$4,800,000.00 to the department of treasury for administration and  
12 public awareness of unclaimed property filing and compliance  
13 requirements created by the amendatory act that added this  
14 subsection. This appropriation is allotted for expenditure ~~on and~~  
15 after ~~October 1,~~**September 30,** 2010. The appropriation authorized  
16 in this subsection is a work project appropriation, and any  
17 unencumbered or unallotted funds are carried forward into the  
18 following year. The following is in compliance with section 451a(1)  
19 of the management and budget act, 1984 PA 431, MCL 18.1451a:

20 (a) The purpose of the project is to provide technical and  
21 administrative support for the 2011 unclaimed property program in  
22 the department of treasury. Costs related to this project will  
23 include, but are not limited to:

24 (i) Information technology system changes.

25 (ii) Staffing-related costs.

26 (iii) Costs to promote public awareness.

27 (iv) Any other costs related to implementation of the program.

28 (b) The work project will be accomplished through the use of  
29 interagency agreements, grants, state employees, and contracts.

1 Contracts, if any, for the work project authorized by this  
2 subsection ~~shall~~**must** be subject to competitive solicitation of  
3 bids from the private sector in compliance with section 261 of the  
4 management and budget act, 1984 PA 431, MCL 18.1261.

5 (c) The total estimated completion cost of the project is  
6 \$4,800,000.00.

7 (d) The expected completion date is September 30, 2012.

8 (7) The provisions ~~modifying~~**of 2010 PA 197 that modified** the  
9 dormancy periods ~~of the amendatory act that added this subsection~~  
10 do not apply if the owner of the property is on active duty  
11 military service. ~~outside the United States.~~