

ACT 271

H.B. NO. 1992-86

A Bill for an Act Relating to the Uniform Unclaimed Property Act.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 523A-11, Hawaii Revised Statutes, is amended to read as follows:

“[[]§523A-11[]] **Property of business associations held in course of dissolution.** Intangible property distributable in the course of a dissolution of a business association which remains unclaimed by the owner [for more than one year] after the date specified for final distribution is presumed abandoned.”

SECTION 2. Section 523A-17, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The report shall be verified and shall include:

- (1) Except with respect to travelers checks and money orders, the name, if known, and the last known address, if any, of each person appearing from the records of the holder to be the owner of property of the value of [\$25] \$50 or more presumed abandoned under this chapter;
- (2) In the case of unclaimed funds of [\$25] \$50 or more held or owing under any life or endowment insurance policy or annuity contract, the full name and last known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;
- (3) In the case of the contents of a safe deposit box or other safekeeping repository or of other tangible property, a description of the property and the place where it is held and may be inspected by the director and any amounts owing to the holder;
- (4) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, but items of value under [\$25] \$50 each may be reported in the aggregate;
- (5) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property; and
- (6) Other information the director prescribes by rule as necessary for the administration of this chapter.”

SECTION 3. Section 523A-17, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Not more than [one hundred twenty days] six months before filing the report required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under this chapter shall send written notice to the apparent owner at the apparent

owner's last known address informing the apparent owner that the holder is in possession of property subject to this chapter if:

- (1) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate[.];
- (2) The claim of the apparent owner is not barred by the statute of limitations[.]; and
- (3) The property has a value of \$50 or more."

SECTION 4. Section 523A-35, Hawaii Revised Statutes, is amended to read as follows:

"[]§523A-35[] Agreement to locate reported property. [All agreements to pay compensation to recover or assist in the recovery of property reported under section 523A-17, made within twenty-four months after the date payment or delivery is made under section 523A-19, are unenforceable.] No agreement entered into within two years after the report is filed under section 523A-17 shall be valid if any person thereby undertakes to locate property included in that report for a fee or other compensation. Thereafter, any agreement entered into for the recovery or for assistance in the recovery of such property shall be valid if the fee or other compensation under such agreement does not exceed twenty per cent of the value of the property claimed. Such an agreement shall be valid only if it is in writing, signed by the owner, and clearly sets forth the nature and value of the property and the value of the owner's share after the fee or compensation has been deducted. Nothing in this section shall be construed to prevent any owner from asserting, at any time, that any agreement to locate property is based upon excessive or unjust consideration."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 29, 1986.)