

ACT 184

S.B. NO. 2321

A Bill for an Act Relating to Unclaimed Property.

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

SECTION 1. Section 523A-14, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) ~~[After]~~ Subject to the period of limitation set forth in section 523A-19(c), after property has been paid or delivered to the administrator under this part, another state may recover the property if:

- (1) The property was paid or delivered to the custody of this State because the records of the holder did not reflect a last known location of the apparent owner within the borders of the other state and the other state establishes that the apparent owner or other person entitled to the property was last known to be located within the borders of that state and under the laws of that state the property has escheated or become subject to a claim of abandonment by that state;

- (2) The property was paid or delivered to the custody of this State because the laws of the other state did not provide for the escheat or custodial taking of the property, and under the laws of that state subsequently enacted the property has escheated or become subject to a claim of abandonment by that state;
- (3) The records of the holder were erroneous in that they did not accurately identify the owner of the property and the last known location of the owner within the borders of another state and under the laws of that state the property has escheated or become subject to a claim of abandonment by that state;
- (4) The property was subjected to custody by this State under section 523A-5(6) and under the laws of the state of domicile of the holder the property has escheated or become subject to a claim of abandonment by that state; or
- (5) The property is a sum payable on a traveler's check, money order, or similar instrument that was purchased in the other state and delivered into the custody of this State under section 523A-5(7), and under the laws of the other state the property has escheated or become subject to a claim of abandonment by that state."

SECTION 2. Section 523A-15, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) [A] Subject to the period of limitation set forth in section 523A-19(c), a person, excluding another state, claiming property paid or delivered to the administrator may file a claim on a form prescribed by the administrator and verified by the claimant."

SECTION 3. Section 523A-19, Hawaii Revised Statutes, is amended to read as follows:

~~[[§523A-19]]~~ **Periods of limitation.** (a) The expiration, before or after July 1, 2009, of a period of limitation on the owner's right to receive or recover property, whether specified by contract, statute, or court order, shall not preclude the property from being presumed abandoned or affect a duty to file a report or to pay or deliver or transfer property to the administrator as required by this part.

(b) An action or proceeding may not be maintained by the administrator to enforce this part in regard to the reporting, delivery, or payment of property more than ten years after the holder specifically identified the property in a report filed with the administrator or gave express notice to the administrator of a dispute regarding the property. In the absence of such a report or other express notice, the period of limitation shall be tolled. The period of limitation shall also be tolled by the filing of a report that is fraudulent.

(c) Beginning on July 1, 2014, any claim made under this part for funds in the unclaimed property trust fund shall be void if the claim is:

- (1) For funds totaling less than \$100; and
- (2) Filed more than ten years after the date that the full amount of the claim was deposited into the unclaimed property trust fund;

provided that for funds totaling less than \$100 that were deposited into the unclaimed property trust fund on or prior to June 30, 2014, the ten-year time limitation on claiming the funds shall commence on July 1, 2014. Unclaimed funds subject to this subsection, upon the expiration of the ten-year time limitation, shall escheat to the State and be transferred to the general fund."

SECTION 4. Statutory material to be repealed is bracketed and stricken.
New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2014.
(Approved July 1, 2014.)