

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4703

A bill to amend 1995 PA 29, entitled  
"Uniform unclaimed property act,"  
(MCL 567.221 to 567.265) by adding section 31a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 31A. (1) IF THE ADMINISTRATOR DETERMINES THAT A HOLDER  
2 HAS FAILED TO REPORT OR DELIVER TO THE ADMINISTRATOR UNCLAIMED  
3 PROPERTY AS REQUIRED BY THIS ACT, THE ADMINISTRATOR SHALL MAIL TO  
4 THE HOLDER BY CERTIFIED OR REGISTERED MAIL A NOTICE OF EXAMINATION  
5 DETERMINATION, WHICH SHALL INCLUDE THE PROPERTY DELIVERABLE. THE  
6 NOTICE OF EXAMINATION DETERMINATION SHALL CONSTITUTE A DECISION OF  
7 THE ADMINISTRATOR. WITHIN 90 DAYS AFTER THE DECISION OF THE  
8 ADMINISTRATOR IS MAILED, A HOLDER THAT IS AGGRIEVED OF THE DECISION  
9 MAY BRING AN ACTION IN THE CIRCUIT COURT, OR WITHIN THE SAME

1 PERIOD, THE HOLDER MAY ELECT TO CONTEST THE DECISION BY FILING A  
2 REQUEST FOR RECONSIDERATION WITH THE ADMINISTRATOR PRIOR TO  
3 BRINGING AN ACTION IN CIRCUIT COURT.

4 (2) IF THE HOLDER ELECTS TO CONTEST THE DECISION IN SUBSECTION  
5 (1) BY FILING A REQUEST FOR RECONSIDERATION WITH THE ADMINISTRATOR,  
6 IN LIEU OF FILING AN ACTION IN CIRCUIT COURT, THE HOLDER MAY LATER  
7 FILE AN ACTION IN CIRCUIT COURT UNDER THE PROVISIONS OF SUBSECTION  
8 (4) OR (8).

9 (3) THE REQUEST FOR RECONSIDERATION SHALL BE IN WRITING,  
10 IDENTIFY THE CONTESTED PROPERTY, AND STATE THE REASON THAT THE  
11 HOLDER BELIEVES THE DECISION IS IN ERROR. THE ADMINISTRATOR SHALL  
12 ONLY RECONSIDER THAT PORTION OF THE PROPERTY DUE THAT IS IDENTIFIED  
13 IN THE REQUEST FOR RECONSIDERATION. THE ADMINISTRATOR MAY DELEGATE  
14 A RECONSIDERATION UNDER THIS SUBSECTION TO AN INDIVIDUAL WHO IS  
15 EMPLOYED BY THE DEPARTMENT TO ENFORCE THIS ACT.

16 (4) AT ANY TIME PRIOR TO RECEIPT OF A RECONSIDERED DECISION,  
17 THE HOLDER MAY FILE WITH THE ADMINISTRATOR A WRITTEN NOTICE OF  
18 WITHDRAWAL OF THE REQUEST FOR RECONSIDERATION. WITHIN 90 DAYS AFTER  
19 THE NOTICE OF WITHDRAWAL IS MAILED TO THE ADMINISTRATOR, THE HOLDER  
20 MAY FILE AN ACTION IN CIRCUIT COURT.

21 (5) THE HOLDER SHALL DELIVER TO THE ADMINISTRATOR THE PROPERTY  
22 THAT IS NOT CONTESTED. WHILE THE REQUEST FOR RECONSIDERATION IS  
23 PENDING, INTEREST CONTINUES TO ACCRUE ON ALL UNDELIVERED PROPERTY.  
24 PAYMENT OR DELIVERY OF THE CONTESTED AMOUNT DUE OR PROPERTY DOES  
25 NOT WAIVE THE RIGHT TO RECONSIDERATION UNDER SUBSECTION (3).

26 (6) WITHIN 60 DAYS OF FILING THE REQUEST FOR RECONSIDERATION,  
27 THE HOLDER MAY SUBMIT ADDITIONAL DOCUMENTATION AND WRITTEN

1 SUBMISSIONS TO THE ADMINISTRATOR IN SUPPORT OF THE RECONSIDERATION.  
2 THE ADMINISTRATOR MAY MEET WITH THE HOLDER OR HAVE INFORMAL  
3 COMMUNICATION WITH THE HOLDER AS PART OF THE RECONSIDERATION  
4 PROCESS.

5 (7) WITHIN 60 DAYS OF RECEIPT OF THE HOLDER'S REQUEST FOR  
6 RECONSIDERATION OR WITHIN 60 DAYS AFTER THE RECEIPT OF ADDITIONAL  
7 DOCUMENTATION, THE ADMINISTRATOR SHALL MAIL THE HOLDER A WRITTEN  
8 DECISION REGARDING THE CONTESTED PROPERTY. THE DECISION SHALL STATE  
9 THE REASONS AND AUTHORITY THAT SUPPORT THE ADMINISTRATOR'S  
10 DECISION. THE TIME PERIOD FOR A DECISION IN THIS SUBSECTION MAY BE  
11 EXTENDED BY THE ADMINISTRATOR FOR GOOD CAUSE, BUT SHALL NOT EXCEED  
12 183 DAYS FROM THE DAY THE ADMINISTRATOR RECEIVED THE HOLDER'S  
13 REQUEST FOR RECONSIDERATION. THE DECISION SHALL BE MAILED TO THE  
14 HOLDER BY CERTIFIED OR REGISTERED MAIL AT THE ADDRESS PROVIDED IN  
15 THE REQUEST FOR RECONSIDERATION. IF THE HOLDER PREVAILS AS TO ANY  
16 PORTION OF THE CONTESTED PROPERTY, THE ADMINISTRATOR SHALL RETURN  
17 TO THE HOLDER ANY PROPERTY THAT HAD BEEN DELIVERED. THAT PROPERTY  
18 SHALL BE RETURNED TO THE HOLDER WITHIN 60 DAYS AS OF THE DATE OF  
19 THE DECISION.

20 (8) WITHIN 90 DAYS AFTER MAILING THE DECISION REGARDING  
21 RECONSIDERATION IN SUBSECTION (7), THE HOLDER MAY CONTEST THE  
22 DECISION BY FILING AN ACTION IN CIRCUIT COURT, UNLESS, WITHIN THAT  
23 TIME, THE HOLDER FILES AN APPEAL WITH THE ADMINISTRATOR. THE  
24 ADMINISTRATOR SHALL SELECT A DELEGATE TO CONDUCT THE APPEAL. THE  
25 DELEGATE MAY NOT BE EMPLOYED BY, OR CONTRACTED WITH, THE DEPARTMENT  
26 TO PROVIDE AUDITING OR ADMINISTRATIVE SERVICES FOR THE ENFORCEMENT  
27 OF THIS ACT OTHER THAN AS A DELEGATE FOR AN APPEAL. IF THE HOLDER

1 ELECTS TO CONTEST THE DECISION IN THIS SUBSECTION BY FILING AN  
2 APPEAL WITH THE ADMINISTRATOR, IN LIEU OF FILING AN ACTION IN  
3 CIRCUIT COURT, THE HOLDER MAY LATER FILE AN ACTION IN CIRCUIT COURT  
4 UNDER THE PROVISIONS OF SUBSECTION (9) OR (13). THE DELEGATE SHALL  
5 HAVE THE KNOWLEDGE, SKILL, AND ABILITY TO QUALIFY AS AN  
6 ADMINISTRATIVE LAW EXAMINER UNDER THE MICHIGAN CIVIL SERVICE  
7 COMMISSION'S JOB SPECIFICATIONS.

8 (9) AT ANY TIME, THE HOLDER MAY FILE WITH THE ADMINISTRATOR A  
9 WRITTEN NOTICE OF WITHDRAWAL OF THE APPEAL TO THE ADMINISTRATOR.  
10 WITHIN 90 DAYS AFTER THE NOTICE OF WITHDRAWAL IS MAILED TO THE  
11 ADMINISTRATOR, THE HOLDER MAY FILE AN ACTION IN CIRCUIT COURT BASED  
12 ON THE DECISION AS RECONSIDERED BY THE ADMINISTRATOR IN SUBSECTION  
13 (7).

14 (10) THE NOTICE OF APPEAL UNDER SUBSECTION (8) SHALL STATE THE  
15 HOLDER'S NAME, MAILING ADDRESS, AND TELEPHONE NUMBER; THE NAME OF  
16 THE PERSON OR PERSONS REPRESENTING THE HOLDER; THE REPRESENTATIVE'S  
17 MAILING ADDRESS AND TELEPHONE NUMBER; AND THE REASON THAT HOLDER  
18 BELIEVES THE RECONSIDERED DECISION OF THE ADMINISTRATOR WAS IN  
19 ERROR. THE ADMINISTRATOR'S DELEGATE SHALL SET THE TIME AND PLACE  
20 FOR CONDUCTING A HEARING ON THE APPEAL AND SHALL GIVE THE HOLDER  
21 WRITTEN NOTICE AT LEAST 21 DAYS BEFORE THE APPEAL IS HEARD. THE  
22 APPEAL IS NOT SUBJECT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,  
23 1969 PA 306, MCL 24.201 TO 24.328. THE HOLDER MAY APPEAR OR BE  
24 REPRESENTED BY ANY PERSON BEFORE THE DELEGATE AND MAY PRESENT  
25 TESTIMONY AND ARGUMENT. AT THE PARTY'S OWN EXPENSE AND WITH ADVANCE  
26 NOTICE TO THE OTHER PARTY, A HOLDER OR THE DELEGATE, OR BOTH, MAY  
27 MAKE AN AUDIORECORDING OF THE APPEAL.

1           (11) THE HEARING ON THE APPEAL TO THE ADMINISTRATOR SHALL BE  
2 CONDUCTED BY THE ADMINISTRATOR'S DELEGATE WITHIN 90 DAYS AFTER THE  
3 FILING OF THE APPEAL UNLESS OTHERWISE AGREED TO BY THE PARTIES. A  
4 WRITTEN RECOMMENDATION SHALL BE ISSUED BY THE DELEGATE TO THE  
5 ADMINISTRATOR WITHIN 90 DAYS OF THE CONCLUSION OF THE HEARING OR  
6 THE SUBMISSION OF ANY POSTHEARING DOCUMENTATION, WHICHEVER IS  
7 LATER. THE WRITTEN RECOMMENDATION SHALL INCLUDE THE REASONS AND THE  
8 AUTHORITY THAT SUPPORT THE RECOMMENDATION.

9           (12) WITHIN 60 DAYS OF THE DATE OF THE RECOMMENDATION OF THE  
10 DELEGATE, THE ADMINISTRATOR SHALL AFFIRM, MODIFY, OR REJECT ALL, OR  
11 PORTIONS OF, THE RECONSIDERED DECISION. THE ADMINISTRATOR SHALL  
12 STATE THE REASONS AND AUTHORITY FOR ANY ACTION ON THE DECISION THAT  
13 DOES NOT FOLLOW THE DELEGATE'S RECOMMENDATION. A COPY OF THE  
14 ADMINISTRATOR'S DECISION AND A COPY OF THE DELEGATE'S  
15 RECOMMENDATION SHALL BE MAILED TO THE HOLDER BY CERTIFIED OR  
16 REGISTERED MAIL AT THE ADDRESS PROVIDED IN THE HOLDER'S NOTICE OF  
17 APPEAL. IF THE HOLDER PREVAILS AS TO ANY PORTION OF THE CONTESTED  
18 PROPERTY, THE ADMINISTRATOR SHALL RETURN ANY CONTESTED PROPERTY  
19 THAT HAD BEEN REMITTED TO THE HOLDER, INCLUDING ANY RELATED AMOUNT  
20 OF INTEREST OR PENALTY PAID.

21           (13) WITHIN 90 DAYS AFTER THE ADMINISTRATOR'S DECISION IN  
22 SUBSECTION (12) IS MAILED, THE HOLDER MAY APPEAL THE DECISION BY  
23 FILING AN ACTION IN THE CIRCUIT COURT.

24           (14) A HOLDER THAT HAS REQUESTED A WAIVER OF PENALTIES OR  
25 INTEREST BASED ON REASONABLE CAUSE MAY CONTEST ANY DENIAL OF A  
26 WAIVER THROUGH A REQUEST FOR RECONSIDERATION, AN APPEAL TO THE  
27 ADMINISTRATOR, OR AN ACTION IN CIRCUIT COURT AS PROVIDED IN THIS

1 SECTION.

2 (15) AS USED IN THIS SECTION, "NOTICE OF EXAMINATION  
3 DETERMINATION" MEANS A NOTICE THAT STATES THE PROPERTY THAT IS  
4 DELIVERABLE BY THE HOLDER TO THE ADMINISTRATOR AS A RESULT OF AN  
5 EXAMINATION.