

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5283

A bill to amend 1995 PA 29, entitled
"Uniform unclaimed property act,"
by amending sections 2 and 36 (MCL 567.222 and 567.256), section 2
as amended by 2015 PA 242, and by adding section 36a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act, unless the context otherwise
2 requires:

3 (a) "Administrator" means the state treasurer.

4 (b) "Apparent owner" means the person whose name appears on
5 the records of the holder as the person entitled to property held,
6 issued, or owing by the holder.

7 (c) "Attorney general" means the department of attorney
8 general.

9 (d) "Banking organization" means a bank, trust company,

1 savings bank, industrial bank, land bank, safe deposit company,
2 private banker, or any organization defined by law as a bank or
3 banking organization.

4 (e) "Business association" means a nonpublic corporation,
5 joint stock company, investment company, business trust,
6 partnership, or association for business purposes of 2 or more
7 individuals, whether or not for profit, including a banking
8 organization, financial organization, insurance company, or
9 utility.

10 (f) "Domicile" means the state of incorporation of a
11 corporation and the state of the principal place of business of an
12 unincorporated person.

13 (g) "Eligible holder" means a holder that meets 1 or more of
14 the following:

15 (i) Is a business whose principal place of business is in this
16 state as evidenced by 20% or more of its payroll or 20% or more of
17 its real and tangible personal property, except inventory, owned or
18 rented in this state during the period subject to examination or
19 the majority of officers that direct, control, and coordinate the
20 activities of the business are employed in this state.

21 (ii) Is a corporation that wholly owns a corporation that has
22 incorporated in this state and the corporation incorporated in this
23 state meets the criteria under subparagraph (i).

24 (iii) Is a corporation that is wholly owned by a corporation
25 that is incorporated in this state and the corporation incorporated
26 in this state meets the criteria under subparagraph (i).

27 (h) "Financial organization" means a savings and loan

1 association, cooperative bank, building and loan association,
2 savings bank, or credit union.

3 (i) "Holder" means a person, wherever organized or domiciled,
4 who is 1 or more of the following:

5 (i) In possession of property belonging to another.

6 (ii) A trustee.

7 (iii) Indebted to another on an obligation.

8 (j) "Insurance company" means an individual, association,
9 corporation, fraternal or mutual benefit organization, or any other
10 legal entity, whether or not for profit, that is engaged or
11 attempting to engage in the business of making insurance or surety
12 contracts.

13 (k) "Intangible property" includes all of the following:

14 (i) Money, checks, drafts, deposits, interest, dividends, and
15 income.

16 (ii) Credit balances, customer overpayments, security
17 deposits, refunds, credit memos, unpaid wages, unused airline
18 tickets, and unidentified remittances.

19 (iii) Except as provided in sections 15(4) and 30(1), gift
20 certificates and gift cards.

21 (iv) Stocks and other intangible ownership interests in
22 business associations.

23 (v) Money deposited to redeem stocks, bonds, coupons, and
24 other securities, or to make distributions.

25 (vi) Amounts due and payable under the terms of insurance
26 policies.

27 (vii) Amounts distributable from a trust or custodial fund

1 established under a plan to provide health, welfare, pension,
2 vacation, severance, retirement, death, stock purchase, profit
3 sharing, employee savings, supplemental unemployment insurance, or
4 similar benefits.

5 (l) "Last known address" means a description of the location
6 of the apparent owner sufficient for the purpose of the delivery of
7 mail.

8 (M) "LOCATOR" MEANS A PERSON REGISTERED UNDER SECTION 36A(2)
9 WHO LOCATES OWNERS OF UNCLAIMED PROPERTY AND ENTERS INTO A WRITTEN
10 AGREEMENT WITH AN OWNER TO DOCUMENT ENTITLEMENT TO PROPERTY AND TO
11 LOCATE, DELIVER, RECOVER, OR CLAIM, OR ASSIST IN LOCATING,
12 DELIVERING, RECOVERING, OR CLAIMING, PROPERTY THAT IS PRESUMED
13 ABANDONED, FOR COMPENSATION.

14 (N) ~~(m)~~—"Owner" means a depositor, in the case of a deposit; a
15 beneficiary, in case of a trust other than a deposit in trust; a
16 creditor, claimant, or payee, in the case of other intangible
17 property; or a person having a legal or equitable interest in
18 property subject to this act. Owner includes the legal
19 representative of the person defined as an owner in this
20 subdivision.

21 (O) ~~(n)~~—"Person" means an individual, business association,
22 state or other government, governmental subdivision or agency,
23 public corporation, public authority, estate, trust, 2 or more
24 persons having a joint or common interest, or any other legal or
25 commercial entity.

26 (P) ~~(e)~~—"Property" means tangible or intangible personal
27 property owned by a person.

1 (Q) ~~(P)~~ "State" means any state, district, commonwealth,
2 territory, insular possession, or any other area subject to the
3 legislative authority of the United States.

4 (R) ~~(Q)~~ "Utility" means a person who owns or operates for
5 public use any plant, equipment, property, franchise, or license
6 for the transmission of communications or the production, storage,
7 transmission, sale, delivery, or furnishing of electricity, water,
8 steam, or gas.

9 Sec. 36. (1) An agreement to pay compensation to recover or
10 assist in the recovery of property reported under section 18, made
11 within 24 months after the date payment or delivery is made under
12 section 20, is unenforceable.

13 (2) A WRITTEN AGREEMENT BETWEEN A LOCATOR AND AN APPARENT
14 OWNER OF UNCLAIMED PROPERTY IS SUBJECT TO SUBSECTION (1).

15 SEC. 36A. (1) THE ADMINISTRATOR MAY SELL OR OTHERWISE PROVIDE
16 UNCLAIMED PROPERTY ACCOUNT INFORMATION TO A LOCATOR FOR UNCLAIMED
17 ACCOUNTS THAT REMAIN UNCLAIMED FOR NOT LESS THAN 24 MONTHS AFTER
18 THE DATE PAYMENT OR DELIVERY IS MADE UNDER SECTION 20 IF THE VALUE
19 OF THE UNCLAIMED PROPERTY IS \$10,000.00 OR MORE. THE ADMINISTRATOR
20 SHALL PROVIDE THE UNCLAIMED PROPERTY ACCOUNT INFORMATION IN AN
21 ELECTRONIC SEARCHABLE FORMAT. THE UNCLAIMED PROPERTY ACCOUNT
22 INFORMATION MAY INCLUDE ALL OF THE FOLLOWING:

23 (A) THE NAME OF THE APPARENT OWNER.

24 (B) THE LAST KNOWN ADDRESS OF THE APPARENT OWNER, AS REPORTED
25 BY THE HOLDER.

26 (C) THE RELATIONSHIP CODE, IF ANY.

27 (D) THE TYPE AND AMOUNT OF PROPERTY AND CASH VALUE OF THE

1 PROPERTY.

2 (2) BEFORE THE DEPARTMENT PROVIDES INFORMATION TO A LOCATOR
3 UNDER SUBSECTION (1), THE LOCATOR SHALL REGISTER WITH THE
4 DEPARTMENT IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT AND
5 PAY A FEE TO THE DEPARTMENT OF \$1,200.00. THE FEES COLLECTED UNDER
6 THIS SUBSECTION SHALL BE USED BY THE DEPARTMENT TO REGISTER AND
7 MONITOR LOCATORS UNDER THIS ACT. THE LOCATOR SHALL RENEW ITS
8 REGISTRATION AND PAY A FEE OF \$1,200.00 EVERY 4 YEARS. TO REGISTER,
9 A LOCATOR SHALL PROVIDE THE DEPARTMENT A PRIMARY BUSINESS ADDRESS
10 AND TELEPHONE NUMBER, AND THE NAME, TELEPHONE NUMBER, AND
11 ELECTRONIC MAIL ADDRESS OF THE INDIVIDUAL WHO WILL BE THE PRIMARY
12 POINT OF CONTACT WITH THE DEPARTMENT. A LOCATOR IS INELIGIBLE FOR
13 REGISTRATION IF, WITHIN THE IMMEDIATELY PRECEDING 10 YEARS, THE
14 INDIVIDUAL, A CURRENT OFFICER OR OWNER OF AN ENTITY, OR A CURRENT
15 EMPLOYEE OF THE INDIVIDUAL OR ENTITY WHO PERFORMS OR DIRECTS
16 LOCATOR SERVICES WAS CONVICTED OF A FELONY INVOLVING DISHONESTY,
17 DECEIT, FRAUD, OR A BREACH OF FIDUCIARY DUTY.

18 (3) A LOCATOR WHO RECEIVES UNCLAIMED PROPERTY ACCOUNT
19 INFORMATION FROM THE ADMINISTRATOR UNDER SUBSECTION (1) SHALL NOT
20 DISTRIBUTE THAT INFORMATION TO OTHER LOCATORS OR ANY OTHER PERSON,
21 OTHER THAN THE APPARENT OWNER, FOR COMPENSATION.