

SUBSTITUTE FOR
SENATE BILL NO. 125

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~~**required by this section must** be verified
6 and ~~shall~~**must** include all of the following:

7 (a) The name, if known, ~~social security~~**Social Security**
8 number, if known, and last known address, if any, of each person
9 appearing from the records of the holder to be the owner of

1 property of the value of \$50.00 or more presumed abandoned under
2 this act. This subdivision does not apply to travelers checks ~~and~~
3 ~~or~~ money orders.

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

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

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

18 (e) The date the property became payable, demandable, or
19 returnable, and the date of the last transaction with the apparent
20 owner with respect to the property.

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

23 (3) If the person holding property presumed abandoned and
24 subject to ~~the~~ **this** state's custody as unclaimed property under
25 this act is a successor to other persons who previously held the
26 property for the apparent owner, or the holder has changed its name
27 while holding the property, the holder shall file with the report
28 **required by this section** all known names and addresses of each
29 previous holder of the property.

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

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

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

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

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

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

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

22 ~~(i) Information technology system changes.~~

23 ~~(ii) Staffing-related costs.~~

24 ~~(iii) Costs to promote public awareness.~~

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

26 ~~(b) The work project will be accomplished through the use of~~
27 ~~interagency agreements, grants, state employees, and contracts.~~
28 ~~Contracts, if any, for the work project authorized by this~~
29 ~~subsection shall be subject to competitive solicitation of bids~~

1 ~~from the private sector in compliance with section 261 of the~~
2 ~~management and budget act, 1984 PA 431, MCL 18.1261.~~

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

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

6 **(6)** ~~(7)~~—The provisions modifying the dormancy periods of the
7 amendatory act that added this subsection do not apply if the owner
8 of the property is on active duty military service. ~~outside the~~
9 ~~United States.~~