



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: TI DP 10-0-0-1 | APPROP DP 12-2-0-1 | 3rd Read 47-11-2-0

Senate: APPROP DPA/SE 6-4-0-0 | 3rd Read 16-14-0-0

Final Pass: 31-27-2-0

HB2623: appropriation; Mohave county substations

NOW: unclaimed property; information; registration

Sponsor: Representative Biasiucci, LD 30

Vetoed

Overview

Allows a registered unclaimed property locator to receive unclaimed property account information from the Department of Revenue (DOR) and enter into agreements to locate unclaimed property for owners at a fee of not more than 20% of the unclaimed property value.

History

Current law states that agreements are void and unenforceable if the primary purpose is to locate, deliver, recover or assist in the recovery of unclaimed property unless the agreement is with an attorney to file a claim relating to the unclaimed property or to contest a denial of a claim. ([A.R.S. § 44-327](#)).

Provisions

1. Allows DOR to disclose confidential information to registered unclaimed property locators. (Sec. 1)
2. Allows a claimant to enter into an agreement to recover unclaimed property if the agreement:
 - a) Is in at least ten-point type;
 - b) Lists the unclaimed property account numbers being claimed;
 - c) Describes the services to be performed;
 - d) Is signed by the claimant; and
 - e) States the value of the unclaimed property before any charges have been deducted. (Sec. 2)
3. Provides that fees or payments may not exceed 20% of the unclaimed property value unless recovery requires judicial determination of ownership. (Sec. 2)
4. Removes language to render agreements to locate unclaimed property as void and unenforceable. (Sec. 2)
5. States an agreement is unenforceable if the compensation is more than 20% of the unclaimed property value unless the recovery requires a judicial determination of ownership. (Sec. 2)
6. Requires DOR, on written request, to provide all unclaimed property account information to a registered locator in a searchable electronic or digital format. (Sec. 3)
7. Requires the account information to include:
 - a) The name of the apparent owner;
 - b) The complete last known address;
 - c) The relationship code, if applicable;
 - d) The type of property;
 - e) The cash value of the property;
 - f) If the property is securities or mutual fund shares, the number of shares or items and the exchange ticker symbol or fund name, if applicable;

- g) The year the property was reported to DOR;
 - h) The name and contact information of the holder;
 - i) A general description of the safe deposit box contents and the liquidation amount, if applicable; and
 - j) The last contact date with the apparent owner. (Sec. 3)
8. Requires a locator to register with DOR in a form and manner determined by DOR and pay a registration fee in an amount determined by the director. (Sec. 3)
 9. Requires a locator applicant to provide their:
 - a) Primary business address and telephone number;
 - b) Primary point of contact's telephone number and email address. (Sec. 3)
 10. Prohibits an applicant from becoming registered if they were convicted of a felony involving dishonesty, deceit, fraud or a breach of fiduciary duty within the prior 10 years. (Sec. 3)
 11. Provides that the locator registration is valid for four years and can be renewed. (Sec. 3)
 12. Allows DOR to determine a renewal fee. (Sec. 3)
 13. Establishes the Locator Registration Fund, administered by DOR, that consists of the registration and renewal fees and that is used to monitor the locators. (Sec. 3)
 14. Prohibits locators from distributing the unclaimed property account information they received from DOR to other locators or persons for compensation. (Sec. 3)
 15. Requires the property locator, when initially communicating with a potential customer, to disclose the fee they charge is negotiable and is capped at 20%. (Sec. 3)
 16. Requires an agreement between a property locator and customer to include a signed disclosure agreement in the agreement's own document without anything else on the document. (Sec. 3)
 17. Requires the disclosure agreement to state the following in at least twenty-four point type: "The fee that any property locator charges is a negotiable rate that is capped at 20% pursuant to Section 44-327, Arizona Revised Statutes." (Sec. 3)
 18. Classifies *disclosing confidential information* as a Class 1 Misdemeanor and *knowingly disclosing confidential information* as a Class 5 Felony. (Sec. 3)
 19. Requires DOR, if an owner has entered into a written agreement that authorizes a registered locator to claim unclaimed property on the owner's behalf or if the owner has sold the right to claim unclaimed property to a locator, to distribute the property or monies in accordance with the written agreement. (Sec. 3)
 20. Contains a legislative intent clause limiting the initial registration fee and renewal fee each to \$100. (Sec. 4)
 21. Makes technical and conforming changes. (Sec. 1, 2)

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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