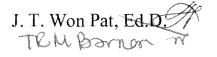
I MINA'TRENTAITRES NA LIHESLATURAN GUÅHAN 2016 (SECOND) Regular Session

Bill No. 3823 (62)

Introduced by:



AN ACT TO *ADD* A NEW SECTION 127115 TO CHAPTER 127, TITLE 11, GUAM CODE ANNOTATED RELATIVE TO UNCLAIMED PERSONAL PROPERTY, DIVIDEND, PROFIT, DISTRIBUTION, INTEREST, PAYMENT ON PRINCIPAL, OR OTHER SUM HELD OR OWING BY A BUSINESS ASSOCIATION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

- 2 Section 1. §127115 is added to Chapter 127, Title 11, Guam Code Annotated to
- 3 read as follows:
- 4 "§127115 Unclaimed Property.
- 5 (a) Definitions. As used in this section, unless the context otherwise
- 6 requires:
- 7 (1) "Apparent owner" means the person who appears from the records of
- 8 the holder to be entitled to property held by the holder.
- 9 (2) "Banking organization" means any national or state bank, trust
- 10 company, banking company, land bank, savings bank, safe-deposit
- 11 company, private banker, or any similar organization.
- 12 (3) "Business association" means any private corporation, joint stock
- company, business trust, partnership, or any association for business
- purposes of two or more individuals, whether or not for profit, including,

- but not by way of limitation, a banking organization, financial
- 2 organization, life insurance corporation, and utility.
- 3 (4) "Holder" means any person in possession of property subject to this
- 4 section belonging to another, or who is trustee in case of a trust, or is
- 5 indebted to another on an obligation subject to this section.
- 6 (5) "Owner" means a depositor in case of a deposit, a beneficiary in case
- of a trust, or creditor, claimant, or payee in case of other choices in
- 8 action, or any person having a legal or equitable interest in property
- 9 subject to this section, or his or her legal representative.
- 10 (6) "Person" means any individual, business association, government or
- governmental subdivision or agency, two or more persons having a joint
- or common interest, or any other legal or commercial entity, whether
- that person is acting in his or her own right or in a representative or
- 14 fiduciary capacity.
- 15 (b) Any dividend, profit, distribution, interest, payment on principal, or other
- 16 sum held or owing by a business association for or to its shareholder,
- 17 certificate holder, member, bondholder, or other security holder, or a
- 18 participating patron of a cooperative, who has not claimed it, or
- 19 corresponded in writing with the business association concerning it, within
- 20 three years after the date prescribed for payment or delivery, escheats to
- 21 Treasurer of Guam.
- 22 (c) Any intangible interest in a business association, as evidenced by the
- 23 stock records or membership records of the association, escheats to
- 24 Treasurer of Guam if:
- 25 (1) the interest in the association is owned by a person who for more
- than three years has neither claimed a dividend or other sum referred to
- in subsection (a) nor corresponded in writing with the association or

- otherwise indicated an interest as evidenced by a memorandum or other
- 2 record on file with the association, and
- 3 (2) the association does not know the location of the owner at the end of
- 4 the three-year period. With respect to the interest, the business
- 5 association shall be deemed the holder.
- 6 (d) Any dividends or other distributions held for or owing to a person at the
- 7 time the stock or other security to which they attach escheats to Treasurer of
- 8 Guam also escheats to Treasurer of Guam as of the same time.
- 9 (e) If the business association has in its records an address for the apparent
- 10 owner, which the business association's records do not disclose to be
- 11 inaccurate, with respect to any interest that may escheat pursuant to
- subsection (b), the business association shall make reasonable efforts to
- 13 notify the owner by mail or, if the owner has consented to electronic notice,
- 14 electronically, that the owner's interest in the business association will
- escheat to Treasurer of Guam. The notice shall be given not less than 6 or
- more than 12 months before the time the interest in the business association
- 17 becomes reportable to the Department of Administration in accordance with
- 18 this section. The notice required by this section shall specify the time that
- 19 the interest will escheat and the effects of escheat, including the necessity for
- 20 filing a claim for the return of the interest. The notice required by this
- 21 section shall:
- 22 (1) specify that since the date of last activity, or for the last two years,
- there has been no owner activity on the deposit, account, shares, or other
- 24 interest;
- 25 (2) identify the deposit, account, shares, or other interest by number or
- identifier, which need not exceed four digits;

(3) indicate that the deposit, account, shares, or other interest is in danger of escheating to Treasurer of Guam; and

(4) specify that the Unclaimed Property Law requires business associations to transfer funds of a deposit, account, shares, or other interest if it has been inactive for three years. It shall also include a form, as prescribed by the Department of Administration, by which the owner may confirm the owner's current address. If that form is filled out, signed by the owner, and returned to the holder, it shall be deemed that the business association knows the location of the owner. In lieu of returning the form, the business association may provide a telephone number or other electronic means to enable the owner to contact the association. With that contact, as evidenced by a memorandum or other record on file with the business association, the business association shall be deemed to know the location of the owner. The business association may impose a service charge on the deposit, account, shares, or other interest for this notice and form in an amount not to exceed the administrative cost of mailing or electronically sending the notice and form, and in no case to exceed two dollars (\$2.00).

19 (f) In addition to the notice required pursuant to subsection (d), the holder 20 may give additional notice as described in subsection (d) at any time 21 between the dates of last activity by, or communication with, the owner and 22 the date the holder transfers the deposit, shares, or other interest to Treasurer

of Guam.

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(g) Treasurer of Guam, upon receiving sums of money pursuant to this Section, shall furnish the transferring association with a receipt for such sums transferred, and sums of money shall be deposited into the Housing Trust Funds as established in Article 10 of Chapter 4, Title 12, Guam Code

- 1 Annotated. Such Funds shall be used in accordance with the provisions of
- 2 the First-Time Homeowner's Assistance Program Act."