

COUNCIL OF THE DISTRICT OF COLUMBIA

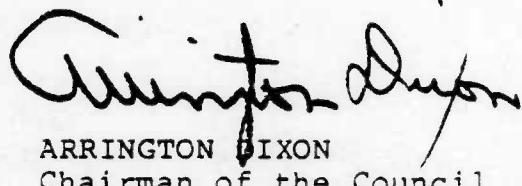
NOTICE

D.C. Law 3-160

"Uniform Disposition of Unclaimed Property Act of 1980".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 3-267 on first and second readings, October 14, 1980 and October 28, 1980, respectively. Following the signature of the Mayor on November 10, 1980, this legislation was assigned Act No. 3-287, published in the November 21, 1980 edition of the D.C. Register, (Vol. 27 page 5150). This act was originally transmitted to Congress on November 19, 1980, and resubmitted on January 14, 1981 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 3-160, effective March 5, 1981.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
February	2, 3, 4, 5, 6, 17, 18, 19, 20, 23, 24, 25, 26, 27,
March	2, 3, 4

D.C. LAW 3-160
EFFECTIVE DATE MAR 05 1991

Enrolled Original

AN ACT

D.C. ACT 3-287

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOV 10 1980

To provide for the disposition of unclaimed personal and intangible property in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Uniform Disposition of Unclaimed Property Act of 1980".

TITLE I

Sec. 101. Findings and Purpose. The District of

Columbia currently lacks statutory authority to act as

custodian for substantial sums of abandoned personal

property within its jurisdiction. This title is intended to

mandate the report and delivery by holders and to authorize

the receipt for safekeeping and fiscal growth by the

District of Columbia of any and all personal property which

is abandoned, without regard either to any maximum length of

time for which such property was abandoned or to any statute

limiting the right to sue to claim such property.

CODIFICATION
D.C. Code,
sec. 42-201

sec. 102. Definitions. As used in this title, the term:

D.C.Code,
sec. 42-202

(1) "Apparent owner" means the person whose name appears on the records of the holder as the person entitled to property held by the holder.

(2) "Attorney General" means the chief legal officer of a state.

(3) "Banking organization" means any bank, trust company, savings bank, or a private banker or such other individual or organization defined by the laws of the United States or of the District of Columbia as a bank or banking organization.

(4) "Business association" means any corporation (other than a public corporation), joint stock company, business trust, partnership, or any association for business purposes of two (2) or more individuals, whether or not for profit, including a banking organization, financial organization, life insurance corporation, or utility.

(5) "District" means within the geographical boundaries of the District of Columbia.

(6) "Domicile" means, with respect to businesses: (a) the state of incorporation in the case of a corporation incorporated under the laws of a state; (b) the state of the principal place of business in the case of a person not

incorporated under the laws of a state; or (c) the state or the principal place of business in the United States or America in the case of any other person. For purposes of this title, the term "state" includes the District of Columbia.

(7) "Employee benefit trust distribution" means any money, life insurance, endowment, or annuity policy or proceeds thereof, securities or other intangible property, and any tangible property, that is distributable to a participant, former participant, or the beneficiary, estate, or heirs of a participant, former participant or beneficiary, from a trust or custodial fund established under a plan to provide health and welfare, pension, vacation, severance, retirement benefit, death benefit, stock purchase, profit sharing, employee savings, supplemental unemployment insurance benefits, or similar benefits.

(8) "Financial organization" means any savings and loan association, building and loan association, credit union, or investment company.

(9) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.

(10) "Holder" means any person wherever organized or domiciled (a) in possession of property belonging to another; (b) who is a trustee in case of a trust; or (c) who is indebted to another on an obligation.

(11) "Intangible personal property" means all choses or things in action.

(12) "Last known address" means a description of the location of the apparent owner for the purpose of the delivery and receipt of mail.

(13) "Life insurance corporation" means any association or corporation including any nonprofit relief association as defined by section 8 of title II of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 676; D.C. Code, sec. 47-1808), transacting the business of insurance on the lives of persons or insurance appertaining thereto, including, without limitation, endowments and annuities.

(14) "Mayor" means the Mayor of the District of Columbia or the Mayor's authorized agent.

(15) "Owner" means a depositor in the case of a deposit; a beneficiary in the case of a trust; a creditor, claimant, or payee in the case of other choses in action; or any person having a legal or equitable interest in property subject to this title or his or her legal representative.

(16) "Person" means an individual, business association, government or governmental subdivision or agency, public corporation, public authority, estate, trust, two (2) or more persons having a joint or common interest, or any other legal or commercial entity.

(17) "Utility" means any person who owns or operates for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

Sec. 103. What Property Presumed Abandoned: General Rule.

D.C.Code,
sec. 42-203

(a) All intangible personal property, not otherwise covered by this title, including any income or increment thereon and deducting any lawful charges, that is held or owing in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven (7) years after it became payable or distributable is presumed abandoned.

(b) Property presumed abandoned shall include, but is not limited to: drafts, credit balances, credit checks, uncashed vendor checks, and any other outstanding checks.

(c) Property subject to this title shall be deemed payable or distributable notwithstanding the owner's failure

to present any instrument or document evidencing the owner's right to receive the payment provided therein.

Sec. 104. Conditions Precedent to Presumption of Abandonment: General Rules. Unless otherwise provided by statute of the District of Columbia, intangible personal property is subject to a presumption of abandonment under this title if the conditions leading to a presumption of abandonment as described in sections 102 and 105 through 114 are satisfied, and:

D.C.Code,
sec. 42-204

(a) The last known address of the apparent owner, as shown on the records of the holder, is in the District;

(b) An apparent owner cannot be established and at least one (1) of the following apply:

(1) The last known address of the person entitled to the property is established as being within the District;

(2) The holder is domiciled in the District and has not previously paid or delivered the property to a state; or

(3) The holder is the District government and it has not previously paid or delivered the property to a state;

(c) The last known address of the apparent owner, as shown on the records of the holder, is in a state that

does not provide an escheat or abandoned property law

applicable to the property in question and the holder is:

(1) Domiciled in the District; or

(2) The District government;

(d) The last known address of the apparent owner,

as shown on the records of the holder, is in a foreign

nation and the holder is:

(1) Domiciled in the District; or

(2) The District government; or

(e) The transaction concerning the property took

place in the District; and:

(1)(A) The owner of the property is unknown;

(B) the last known address of the apparent owner as shown

on the records of the holder is in a state that does not

provide an escheat or abandoned property law applicable to

the property; and

(2) The holder is domiciled in a state that

does not provide an escheat or abandoned property law

applicable to the property.

Sec. 105. Conditions Precedent to Presumption of
Abandonment of Traveler's Checks and Money Orders.

ANY sum payable on a money order, traveler's check, or
similar written instrument (other than a third party bank
check) on which a banking or financial organization or a

D.C.Code,
sec. 42-205

business association is directly liable is presumed abandoned if the appropriate conditions leading to a presumption of abandonment as described in sections 103 and 104 are satisfied and:

(a) The books and records of the banking or financial organization or business association show that the money order, traveler's check, or similar written instrument was purchased in the District;

(b) The banking or financial organization or the business association has its principal place of business in the District and the books and records of the business association do not show the state in which the money order, traveler's check, or similar written instrument was purchased; or

(c) The banking or financial organization or the business association has its principal place of business in the District, the books and records of the banking or financial organization or business association show the state in which the money order, traveler's check, or similar written instrument was purchased and the state of purchase does not provide an escheat or abandoned property law applicable to the delivery of the sum payable on such instrument to the state.

Sec. 106. Banks Deposits and Funds in Financial Organizations.

D.C.Code,
sec. 42-206

(a) Any demand, savings, or matured time deposit with a banking or financial organization, including deposits that are automatically renewable, and any funds paid toward the purchase of shares, a mutual investment certificate, or any other interest in a financial organization is presumed abandoned unless the owner within ten (10) years has:

- (1) In the case of a deposit, increased or decreased the amount of the deposit or presented the passbook or other similar evidence of the deposit for the crediting of interest;
- (2) Communicated in writing with the banking or financial organization concerning the property;
- (3) Otherwise indicated an interest in the property as evidenced by a memorandum on file prepared by an employee of the banking or financial organization;
- (4) Owned other property held by the banking or financial organization for which subparagraphs (1), (2), or (3) are applicable: PROVIDED, That the banking or financial organization communicates in writing with regard to the property that would otherwise be presumed abandoned under this subsection to the owner at the address to which

communications regarding the other property are regularly sent; or

(5) Had another relationship with the banking or financial organization concerning which the owner has:

(A) Communicated in writing with the banking or financial organization; or

(B) Otherwise indicated an interest as evidenced by a memorandum on file prepared by an employee of the banking or financial organization: PROVIDED, That the banking or financial organization communicates in writing with regard to the property that would otherwise be abandoned under this subsection to the owner at the address to which communications regarding the other relationship are regularly sent.

(D) For purposes of subsection (a), the term "property" includes any interest or dividends thereon.

(C) Any sum payable on a traveler's check issued by a banking or financial institution or a business association in the District that has been outstanding for more than fifteen (15) years after its issuance is presumed abandoned if the owner, for more than fifteen (15) years, has not communicated in writing with the banking or financial organization or business association concerning it or otherwise indicated an interest as evidenced by a memorandum

or other record on file prepared by an employee of the banking or financial organization or business association.

(d) A sum payable on any other written instrument on which a banking or financial organization or business association in the District is directly liable, including, but not limited to, certified checks, drafts, or money orders, that has been outstanding for more than ten (10) years after it was payable, or after its issuance if payable on demand, is presumed abandoned unless the owner has within ten (10) years, communicated in writing with the banking or financial organization or business association concerning it or otherwise indicated an interest as evidenced by a memorandum on file prepared by an employee of the banking or financial organization or business association.

(e) No holder may impose with respect to property described in subsection (a) any charges due to dormancy or inactivity, or cease payment of interest unless:

(1) There is a valid, enforceable, written contract between the holder and the owner of the property pursuant to which the holder may impose such charges or cease payment of interest;

(2) The holder regularly imposes such charges or ceases accrual or payment of interest and does not regularly

reverse or otherwise cancel such charges or retroactively pay interest with respect to such property; and

(3) For property in excess of ten dollars (\$10), the holder, no more than three (3) months prior to the initial imposition of such charges or cessation of interest, gives written notice to the owner of the amount of such charges at the last known address of the owner that such charges will be imposed or that interest will cease; EXCEPT, That the notice provided in this section need not be given with respect to charges imposed or accrued or interest ceased prior to January 1, 1980.

(f) No holder shall deduct from the amount of any draft, registered check, money order, certified check, travelers check, cashier's check, treasurer's check, or any similar written instrument any charges imposed by reason of the failure to present such items for encashment unless:

(1) There is a valid, enforceable, written contract between the holder and the owner of the property pursuant to which the holder may impose such charges; and

(2) The holder regularly imposes such charges and does not regularly reverse or otherwise cancel such charges with respect to such property.

(g) Notwithstanding any provision to the contrary in this section, in the event that any type of property subject

to this section is an asset of an Individual Retirement Account established pursuant to the Employee Retirement Security Act of 1974, approved September 2, 1974 (88 Stat. 959; 26 U.S.C. sec. 408(a)) or of a Keogh plan established pursuant to the Internal Revenue Code of 1954, approved August 15, 1954 (68A Stat. 134; 26 U.S.C. sec. 401(a)), respectively, it shall not be deemed matured or otherwise reportable if, under the terms of such plan, distribution of all or part of the property would not then be mandatory.

(h) Any property automatically renewable according to its terms that is subject to subsection (a) shall be deemed matured for purposes of this section upon the expiration of its initial term. If at the time provided for delivery in section 119, a penalty or forfeiture in the payment of interest would result from the delivery of any such property, the time for delivery shall be extended until such time as no penalty for forfeiture would result.

Sec. 107. Unclaimed Funds Held by Life Insurance Corporations.

D.C.Code,
sec. 42-207

(a) The term "unclaimed funds", as used in this section, means all monies held and owing by any life insurance corporation unclaimed and unpaid for more than seven (7) years after the monies became due and payable as established from the records of the corporation under any life or

endowment insurance policy or any annuitant contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be mature and the proceeds are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled to the proceeds has within the preceding seven (7) years (1) assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan, or (2) corresponded in writing with the life insurance corporation concerning the policy. Monies otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

(b) Unclaimed funds, held and owing by a life insurance corporation, shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within the District. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known

address of the insured or annuitant according to the records of the corporation.

Sec. 108. Deposits and Refunds held by Utilities.

D.C.Code,
sec. 42-208

The following funds held or owing by any utility are presumed abandoned:

(1) Any deposit, including any interest thereon, made by a subscriber with a utility to secure payment for, or any sum paid in advance for, utility services to be furnished, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven (7) years after the termination of the services for which the deposit or advance payment was made.

(2) Any sum which a utility has been ordered to refund and which was received for utility services rendered, together with any interest thereon, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven (7) years after it became payable in accordance with the final determination or order providing for the refund, regardless of whether the final determination or order requires any person entitled to a refund to make a claim.

Sec. 109. Undistributed Dividends and Distributions of Business Associations.

D.C.Code,
sec. 42-209

Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within seven (7) years after the date prescribed for payment or delivery, is presumed abandoned if:

- (a) It is held or owing by a business association organized under the laws of or created in the District; or
- (b) It is held or owing by a business association doing business in the District, but not organized under the laws of or created in the District, and the records of the business association indicate that the last known address of the person entitled thereto is in the District.

Sec. 110. Property of Business Associations and Banking or Financial Organizations held in Course of Dissolution.

D.C.Code,
sec. 42-210

All intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization, or financial organization organized

under the laws of or created in the District, that is unclaimed by the owner within two (2) years after the date for final distribution, is presumed abandoned.

Sec. III. Property Held by Fiduciaries.

D.C.Code,
sec. 42-211

(a) All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner within seven (7) years after it becomes payable or distributable, has increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary.

(b) For the purpose of this section, if a person holds property as an agent for a business association, the agent is deemed to hold the property in a fiduciary capacity for that business association unless the agreement between the agent and the business association provides otherwise.

(c) For the purposes of this title, if a person who is deemed to hold property in a fiduciary capacity for a business association alone, that person is the holder of the property only insofar as the interest of the business association in the property is concerned and the business

association is the holder of the property insofar as the interest of any other person in the property is concerned.

Sec. 112. Property Held By Public Officers and Agencies.

D.C. Code,
sec. 42-212

Except for property held by the property clerk of the Metropolitan Police Department as provided in the Revised Statutes of the District of Columbia sections 403 through 424 (D.C. Code, secs. 4-151-4-167), all intangible personal property held for the owner by any public corporation, public authority, or public officer of the District government, that has remained unclaimed by the owner for more than two (2) years is presumed abandoned.

Sec. 113. Employee Benefit Trust Distributions.

D.C. Code,
sec. 42-213

All employee benefit trust distributions and any income or other increment thereon is presumed abandoned if the owner within seven (7) years after it becomes payable or distributable has not accepted the distribution, or corresponded in writing concerning the distribution, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary of the trust or custodial fund or administrator of the plan under which the trust or fund is established.

Sec. 114. Gift Certificates and Credit Memos.

D.C. Code,
sec. 42-214

(a) Gift certificates and credit memos held or owing in the ordinary course of the holder's business that have remained unclaimed by the owner for more than seven (7) years after becoming payable or distributable are presumed abandoned.

(b) If a gift certificate or credit memo is redeemable for cash or merchandise, its value for purposes of this title shall be the amount paid by the purchaser.

Sec. 115. Contents of a Safe Deposit Box or Other Safekeeping Repository.

D.C.Code,
sec. 42-215

Except as provided in section 3 of An Act To revise certain laws with respect to the liability of motels, hotels, and similar establishments in the District of Columbia to their guests, approved December 8, 1970 (84 Stat. 1396; D.C. Code, sec. 34-108), all personal property, tangible or intangible, held in a safe deposit box or any other safekeeping repository in the District by any person in the ordinary course of business, which is unclaimed by the owner for ten (10) years or more from the date on which the lease or rental period on the box or other repository expired is presumed abandoned.

Sec. 116. Unpaid Wages or Outstanding Payroll Checks.

D.C.Code,
sec. 42-216

Unpaid wages or outstanding payroll checks held or owing in the ordinary course of the holder's business that have

remained unclaimed by the owner for more than one (1) year after becoming payable or distributable are presumed abandoned.

Sec. 117. Report of Abandoned Property.

D.C.Code,
sec. 42-217

(a) Every person holding funds or other property, tangible or intangible, presumed abandoned under this title shall report to the Mayor with respect to the property as provided in this section.

(b) The report must be verified and shall include:

(1) In case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and the beneficiary and his or her last known address according to the life insurance corporation's records;

(2) In the case of the contents of a safe deposit box or other safekeeping repository or in the case of other tangible property, a description of the property and the place where it is held and may be inspected by the Mayor, in which case the report must set forth any amounts owing to the holder as shown by section 118;

(3) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under fifty dollars (\$50) shall be reported in the aggregate; upon the aggregation exceeding fifty dollars (\$50);

(4) The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property;

(5) Other information which the Mayor prescribes by rule as necessary for the administration of this title; and

(6) Except with respect to traveler's checks and money orders, the name, if known, and last known address, if any and if known, of each person appearing from the records of the holder to be the owner of any property of the value of fifty dollars (\$50) or more presumed abandoned under this title;

(c) If the person holding property presumed abandoned is successor to other persons who previously held the property for the owner, or the present holder has changed his or her name while holding the property, the present holder shall file with his or her report all known names and addresses of each previous holder of the property.

(d) The report as of the prior June 30th must be filed before November 1 of each year, but the report as of the prior December 1st of life insurance corporations must be filed before May 1 of each year. The Mayor may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under this title has in its records an address of the apparent owner, the holder shall, not more than one hundred twenty (120) days prior to filing the report required by this section, send written notice to the owner at the last known address to prevent abandonment from being presumed.

(f) Verification, if made by a partnership, must be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

Sec. 118. Notice and Publication of Lists of Abandoned Property.

D.C.Code,
sec. 42-218

(a) Within one hundred twenty (120) days from the filing of the report required by section 117, the Mayor shall cause notice to be published at least once each week for two (2) consecutive weeks in a newspaper of general circulation in the District.

(b) The published notice shall be entitled "Notice of Names of Persons Appearing To Be Owners of Abandoned Property" and shall contain:

(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice as specified in this title;

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the Mayor; and

(3) A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within sixty-five (65) days from the date of the second published notice, the abandoned property will be placed in the custody of the Mayor not later than eighty-five (85) days after the second publication date and no further claims must thereafter be directed to the Mayor.

(c) The Mayor is not required to publish notice of any item of less than fifty dollars (\$50) in value unless the Mayor deems such publication to be in the public interest.

(d) Within one hundred twenty (120) days from the receipt of the report required by section 117, the Mayor shall mail a notice to each person having an address listed who appears to be entitled to property of a value of fifty dollars (\$50) or more presumed abandoned under this title.

(e) The mailed notice shall contain:

(1) A statement that, according to a report filed with the Mayor, property is being held to which the addressee appears entitled;

(2) The name and address of the person holding the property and any necessary information regarding the changes of name and address of the holder; and

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the Mayor and all further claims must be directed to the Mayor.

(f) This section is not applicable to sums payable on traveler's checks or money orders and similar written instruments that are presumed abandoned under section 104.

Sec. 119. Payment Or Delivery of Abandoned Property.

D.C.Code,
sec. 42-219

(a) Except as otherwise provided in subsections (b) and (c), every person who has filed a report under section 117, shall within six (6) months after the final date for filing reports as required by section 117, pay or deliver to the Mayor all abandoned property specified in the report.

(b) If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or if it appears that for some other reason the presumption of abandonment is

erroneous, the holder need not pay or deliver the property which will no longer be presumed abandoned to the Mayor, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

(c) In the case of sums payable on traveler's checks, money orders, and similar written instruments presumed abandoned under section 105 or any other property reported pursuant to section 117 for which the holder has not reported the name of the apparent owner, the property shall be paid or delivered to the Mayor at the time of filing the report specified in section 117.

Sec. 120. Custody by the District Government; Holder Relieved from Liability; Payment of Safe Deposit Box or Repository Charges; Reimbursement of Holder Paying Claim; Reclaiming by Owner.

D.C.Code,
sec. 42-220

(a) Upon the payment or delivery of property to the Mayor, the District government assumes custody and responsibility for the safekeeping of the property. Any person who pays or delivers property to the Mayor in good faith under this title is relieved of all liability to the extent of the value of the property so paid or delivered for any claim then existing or which may arise thereafter or be made in respect to the property. Property removed from a

safe deposit box or other safekeeping repository may be received by the Mayor subject to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges and the actual cost of the opening thereof, which rent and charges must be paid out of the proceeds remaining after the Mayor has deducted therefrom his or her selling costs.

(b) Any holder who has paid money to the Mayor pursuant to this title may make payment to any person appearing to the holder to be entitled thereto, and upon filing proof of payment and proof that the payee was entitled thereto, the Mayor shall reimburse the holder for the payment without deduction of any fee or other charges. If reimbursement is sought for a payment made on a negotiable instrument including, but not limited to, a traveler's check or money order, the holder must be reimbursed under this subsection upon filing proof that the instrument was duly presented to the holder and that payment was made to a person who appeared to the holder to be entitled to payment.

(c) Any holder who has delivered property to the Mayor pursuant to this title may reclaim the property without payment of any fee or other charges upon filing proof that the owner has claimed the property from the holder. The Mayor, in the Mayor's discretion, may accept an affidavit of

the holder stating the facts that entitle the holder to reimbursement under this subsection as sufficient proof.

Sec. 121. Crediting of Dividends, Interest, or
Increments to Owner's Account.

D.C.Code,
sec. 42-221

Whenever property other than money is paid or delivered to the Mayor under this title, any dividends, interest, or other increments realized or accruing on the property at or before liquidation or conversion thereof into money, shall be credited, upon receipt, to the owner's account by the Mayor.

Sec. 122. Sale of Abandoned Property.

D.C.Code,
sec. 42-222

(a) All abandoned property other than money delivered to the Mayor under this title may be sold after the delivery by the Mayor to the highest bidder at public sale. The Mayor may decline the highest bid and reoffer the property for sale if the Mayor considers the price bid insufficient. The Mayor need not offer any property for sale if, in the Mayor's opinion, the probable cost of sale exceeds the value of the property.

(b) Any sale held under subsection (a) shall be preceded by at least a single publication of notice thereof, at least three (3) weeks in advance of sale, in a newspaper of general circulation in the District.

(c) The purchaser at any sale conducted by the Mayor pursuant to this title shall receive title to the property purchased, free from all claims of the owner or prior holder and of all persons claiming through or under the owner or prior holder. The Mayor shall execute all documents necessary to complete the transfer of title.

Sec. 123. Deposit of Funds.

D.C.Code,
sec. 42-223

(a) During the first two (2) years after the effective date of this title, no less than fifty percent (50%) of all property received under this title, including the proceeds from the sale of abandoned property under section 122, shall be deposited by the Mayor in a separate trust fund or kept for safekeeping with a holder which is a bank or trust company in order to make prompt payment of claims duly allowed by the Mayor as provided by this section. The remainder percentage of funds received and any income or increment to the funds deposited in the trust fund accruing during such two (2) years may be deposited in the General Fund of the District government.

(b)(1) All funds received or kept under this title after the two (2) year period described in subsection (a), including the proceeds from the sale of abandoned property under section 122, shall be deposited by the Mayor in the General Fund of the District government, except that the

Mayor shall retain in a separate trust fund an amount not less than one hundred thousand dollars (\$100,000) in order to make prompt payment of claims duly allowed by the Mayor as provided by this title.

(2) Before making the deposit the Mayor shall record at least the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant, and beneficiary and with respect to each policy or contract listed in the report of a life insurance corporation, the policy or contract number, the name of the corporation, and the amount due.

(3) The record shall be available for public inspection during regular business hours.

(c) Before making any deposit to the credit of the General Fund of the District government, the Mayor may deduct: (1) any costs in connection with the sale of abandoned property, or with the disposition by other means of abandoned property under section 122(d); (2) any costs of mailing and publication in connection with any abandoned property; (3) reasonable service charges; and (4) the costs incurred in examining records of holders of abandoned property and collecting such property from such holders.

Sec. 124. Filing of Claim with the Mayor for Abandoned Property Paid or Delivered.

D.C.Code,
sec. 42-224

Any person, excluding a state, claiming an interest in any property paid or delivered to the Mayor under this title may file a claim to the property or to the net proceeds from its sale. The claim must be on a form prescribed by the Mayor and must be verified by the claimant.

Sec. 125. Determination of Claims by the Mayor.

D.C.Code,
sec. 42-225

(a) The Mayor shall within thirty (30) days of the receipt of any claim either pay the claim or give written notice to the claimant of a denial in whole or in part. Upon a denial or a failure by the Mayor to respond within thirty (30) days, the claimant may request a hearing on the claim. Upon such request the Mayor shall hold a hearing and receive evidence in accordance with section 109 of the District of Columbia Administrative Procedure Act, approved October 21, 1958 (82 Stat. 1208; D.C. Code, sec. 1-1509).

(b) If the claim is determined in favor of the claimant, the Mayor shall make payment of only that amount which the Mayor actually received plus any dividends or interest allowed under section 121. The claim shall be paid without deduction for costs of notices or sale or for service charges.

Sec. 126. Claim of A State to Recover Property: Claim and Proceedings Thereon.

D.C. Code,
sec. 42-226

(a) At any time after property has been paid or delivered to the Mayor under this title, a state is entitled to recover the property if:

(1) The property was presumed abandoned in the District because the apparent owner was unknown when the property was presumed abandoned under this title, the last known address of the apparent owner was in fact in that state, and, under the laws of that state, the property escheated to or was subject to a claim of abandonment by that state;

(2) The last known address of the apparent owner of the property appearing on the records of the holder is in that state and, under the laws of that state, the property has escheated to or become subject to a claim of abandonment by that state;

(3) The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last known address of the actual owner is in that state, and, under the laws of that state, the property has escheated to or become subject to a claim of abandonment by that state;

(4) The property was presumed abandoned to the District government under section 104(e) and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or

(5) The property is the sum payable on a traveler's check, money order, or other similar instrument that was presumed abandoned to the District under section 105, the traveler's check, money order, or other similar instrument was in fact purchased in that state, and, under the laws of that state, the property has escheated to or become subject to a claim of abandonment by that state.

(b) The claim of a state to recover escheated or abandoned property under this section must be presented in a form prescribed by the Mayor, who shall consider the claim within thirty (30) days after it is presented. The Mayor shall allow the claim if the Mayor determines that the claiming state is entitled to the abandoned property.

(c) In connection with all property so delivered to a state, the Mayor shall seek indemnification from the state making the claim.

Sec. 127. Judicial Action Upon Determination.

Any person aggrieved by a decision of the Mayor, or as to whose claim the Mayor has failed to hold a hearing within

D.C.Code,
sec. 42-227

a reasonable time pursuant to section 125(3), may have such claim reviewed pursuant to section 110 of the District of Columbia Administrative Procedure Act, approved October 21, 1958 (32 Stat. 1209; D.C. Code, sec. 1-1510).

Sec. 128. Election to Take Payment or Delivery.

D.C.Code,
sec. 42-228

(a) The Mayor, after receiving reports of property deemed abandoned pursuant to this title, may decline to receive any property reported which the Mayor considers to have a value less than the cost of giving notice and holding sale, if the Mayor considers it desirable because of the small sum involved. The Mayor may postpone taking possession until a sufficient sum accumulates. Unless the owner of the property is notified to the contrary within one hundred twenty (120) days after filing the report required under section 117, the Mayor shall be deemed to have elected to receive the custody of the property.

(b) If a holder elects to report and deliver property otherwise subject to this title prior to the time that the property is presumed abandoned, the Mayor, if the Mayor deems it in the best interest of the owner, may consent in writing to accept the report and delivery of the property upon the conditions and terms as the Mayor shall prescribe. The property delivered under this subsection shall be held by the Mayor and shall not be presumed abandoned until such

time as the property would otherwise be presumed abandoned under this title.

Sec. 129. Periods of Limitations Not to Bar.

D.C.Code,
sec. 42-229

(a) The expiration of any period of time specified by contract, statute, or court order, during which a claim for recovery of money or property can be made, or during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, does not prevent the money or property from being presumed abandoned property, or affect any duty to file a report required by this title or to pay or deliver abandoned property to the Mayor.

(b) No action or proceeding may be commenced by the Mayor to enforce any provision of this title more than ten (10) years from the date any property was reportable under this act. With respect to property initially reportable pursuant to section 301(c), no action or proceeding may be commenced by the Mayor to enforce any provisions of this title more than ten (10) years from the effective date of this title.

Sec. 130. Reports and Examination of Records.

D.C.Code,
sec. 42-230

(a) The Mayor may require that any person shall file a verified report stating whether or not the person is holding

any unclaimed property reportable or deliverable under this title.

(b) The Mayor may at reasonable times and upon reasonable notice examine the records of any person to determine if such person has complied with the provisions of this title. It shall be no defense to such a request for examination that the person believes it is not in possession of any property reportable or deliverable under this title.

(c) If a person under section 111 is treated as the holder of the property only insofar as the interest of the business association in such property is concerned, the Mayor may pursuant to subsection (b) examine the records of the person: PROVIDED, That the Mayor shall give the notice required by subsection (b) to both the person and the business association not less than ninety (90) days prior to the examination.

(d) If a holder shall fail to maintain the records required by section 131 and the available records of the holder for the periods subject to the title are not sufficient to permit the preparation of a report and delivery of abandoned property, the holder shall be ordered to report and deliver such property as may reasonably be estimated based upon any other records of the holder which exist.

Sec. 131. Confidentiality.

D.C.Code,
sec. 42-231

Any information or records required to be furnished to the Mayor as provided in this title shall be confidential and shall not be disclosed to any person except the person who furnished the same to the Mayor and except as provided in sections 118 and 123 or as may be necessary in the proper administration of this title alone.

Sec. 132. Retention of Records.

D.C.Code,
sec. 42-232

(a) Except as provided in subsection (b) and unless the Mayor provides otherwise by rule, every holder required to file a report under section 117 shall, as to any property for which it has obtained the address of the owner, maintain a record of the name and address of the owner for ten (10) years after the date the property may have become reportable.

(b) Any business association that sells in the District traveler's checks, money orders, or other similar written instruments, other than third party bank checks on which the business association is directly liable or that provides those traveler's checks, money orders, or similar written instruments to others for sale in the District, shall maintain a record of such instruments while they remain outstanding indicating the state and date of issue for three (3) years after the date the property may have become

reportable. The record may be destroyed after the record has been retained for such reasonable time as the Mayor by rule shall designate.

Sec. 133. Proceeding to Compel Delivery of Abandoned Property.

D.C.Code,
sec. 42-233

If any person refuses to pay or deliver abandoned property to the Mayor as required under this title, the Mayor may bring an action in the Superior Court of the District of Columbia to compel such delivery.

Sec. 134. Reciprocal Actions and Agreements with States.

D.C.Code,
sec. 42-234

(a) At the request of a state, the Corporation Counsel may bring an action in the name of the Administrator of the requesting state, in any court of appropriate jurisdiction to enforce the unclaimed property laws of the requesting state against a holder in the District of property subject to escheat or a claim of abandonment by that state, if that state has agreed to pay expenses incurred by the Corporation Counsel in bringing the action.

(b) The Mayor may request that the Attorney General of a state or any other person bring an action in the name of the Mayor in that state. The District government shall pay all expenses including attorney's fees in any action under this subsection. Any expenses paid pursuant to this subsection

may not be deducted from the amount that is subject to the claim by the owner in accordance with this title.

(c)(1) The Mayor may enter into an agreement to provide and to receive information needed to enable the District government and a state to audit or otherwise determine unclaimed property that the District or the state may be entitled to escheat or subject to a claim of custody as abandoned property.

(2) The Mayor may by rule require the reporting of information needed to enable the Mayor to comply with agreements made pursuant to this section and prescribe the form, including verification of the information to be reported, and the times for filing the reports.

(d) The Mayor may join with states to seek enforcement of this title against any person who is or may be holding property reportable under this title.

Sec. 135. Penalties.

(a) Any person who fails to render any report or perform any other duty required under this title shall pay a civil penalty of one hundred dollars (\$100) for each day each report is withheld or each duty is not performed, but not more than one thousand dollars (\$1000) for each such violation.

D.C.Code,
sec. 42-235

(D) Any person who willfully refuses to report, pay, or deliver abandoned property to the Mayor as required under this title shall be punished by a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both.

Sec. 136. Enforcement of Civil Penalties.

D.C.Code,
sec. 42-236

(a) All fines levied pursuant to section 135(a) are civil in nature.

(b) The Mayor may issue a notice of violation to any person who violates a provision of this title. The notice shall (1) state the nature of the violation; and (2) describe the procedures provided in this section.

(c) A notice of violation shall be the summons and complaint for purposes of this section. A duplicate of the notice of violation shall be served personally on the person to whom it is issued as provided in subsection (d). The original or a facsimile thereof shall be filed with the Corporation Counsel and shall be deemed a record kept in the ordinary course of business and shall be prima facie evidence of the facts contained therein.

(d) A notice of violation shall be served personally upon the alleged violator. If the alleged violator is not present the notice of violation shall be served by affixing such notice to the place of business in a conspicuous place.

(e) The Mayor shall prescribe the form for the notice of violation. A Mayor's rule or order establishing the amount of collateral shall be submitted by the Mayor to the Council of the District of Columbia for a thirty (30) calendar day review period, excluding days of Council or the District of Columbia recess. No such rules or regulations shall take effect until the end of the thirty (30) calendar day period beginning on the day such rules or regulations are transmitted by the Mayor to the Chairman of the Council of the District of Columbia, and then only if during such period, the Council of the District of Columbia does not adopt a resolution disapproving such rules and regulations in whole or in part.

(f) A person shall answer a notice of violation within fifteen (15) days by:

- (1) depositing and forfeiting collateral in an amount established by rule or order of the Mayor; or
- (2) depositing collateral in an amount established by rule or order of the Mayor and requesting the Superior Court of the District of Columbia to set a trial date.

(g) Unless otherwise provided, the conduct of any civil trial commenced pursuant to subsections (b), (c), (d), (e) and (f) shall be governed by the Superior Court of the District of Columbia Rules of Civil Procedure.

(n) In such trial, the complaint of a violation of this title shall be brought in the name of the District of Columbia by the Corporation Counsel. The burden of proof shall be upon the District of Columbia and no violation of this title may be established except upon proof by a preponderance of the evidence.

(i) All fines, collateral, and fees collected under this section shall be paid into the General Fund of the District government.

(j) A fine or collateral is due and payable pursuant to section 134(a) upon default or a finding at trial in favor of the District government or upon the failure of a person to answer a notice of violation within fifteen (15) days as provided in subsection (f).

(k) Failure of a person to pay a fine or collateral when due shall cause such fine or collateral to be due and payable in twice the original amount, not to exceed two thousand dollars (\$2000).

(l)(1) The District of Columbia shall have a lien upon any amount due and payable as a fine or collateral pursuant to section 135(a).

(2) Such lien shall not be effective unless: (A) the District government has filed in the Office of the Recorder of Deeds of the District of Columbia in a docket provided

for such liens, a written statement containing the name and address of the violator and the date and approximate place of the violation; and (B) the District government has given notice of the filing of such lien to the violator.

Thereafter, the District government is authorized to file suit in the amount of the its lien.

Sec. 137. Agreement to Locate Reported Property.

D.C.Code,
sec. 42-237

(a) No agreement or contract with a person for a fee or compensation to locate, deliver, recover, or assist in the recovery of property reported under section 117, entered into within seven (7) months after the date payment or delivery is required under section 119, is valid.

(b) No agreement entered into after seven (7) months from the date of delivery of the property by the holder to the Mayor is valid if a person thereby undertakes to locate property included in a report for a fee or other compensation exceeding ten percent (10%) of the value of the recoverable property unless the agreement is in writing and signed by the owner and discloses the nature and value of the property and the name and address of the holder of the property as such facts have been reported. Nothing in this section shall be construed to prevent an owner from asserting at any time that an agreement to locate property is based upon an excessive or unjust consideration.

Sec. 138. Rules and Regulations.

D.C.Code,
sec. 42-238

The Mayor is authorized to issue such rules,

regulations, and orders as may be necessary in order to effectuate the purposes of this title.

Sec. 139. Authorization of Appropriations.

D.C.Code,
sec. 42-239

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

Sec. 140. Severability.

D.C.Code,
sec. 42-240

If any provision of this title or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the title which can be given effect without the invalid revision or application, and to this end the provisions of this title are severable.

Sec. 141. Uniformity of Application and Construction.

D.C.Code,
sec. 42-241

This title shall be applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this title among those states enacting it.

Sec. 142. Repealer.

D.C.Code,
secs. 47-140 -
47-144

Sections 1 through 5 of An Act To eliminate the maintenance by the District of Columbia of perpetual accounts for unclaimed moneys held in trust by the government of the District of Columbia, approved December

Enrolled Original

18, 1953 (77 Stat. 419; D.C. Code, secs. 47-140 - 47-144)

are repealed.

TITLE II

Sec. 201. Section 408 of the Revised Statutes of the District of Columbia (D.C. Code, section 4-151) is amended by designating the existing section as subsection "(a)" and adding to the end thereof the following new subsection to read as follows:

"(b) For purposes of sections 409 through 425: (1) the term 'lost property' means any personal property, tangible or intangible, the owner of which is unknown and which has been casually or involuntarily parted with through negligence, carelessness, or inadvertence; and (2) the term 'finder of lost property' means any person other than a public officer of the Metropolitan Police Department who has found lost property."

Sec. 202. Section 417 of the Revised Statutes of the District of Columbia (D.C. Code, sec. 4-160) is amended as follows:

(a) By striking subsection (c) and redesignating subsection (b) as subsection (c).

(b) Subsection (a) is amended to read as follows:

"(a) with respect to all property (including money), except perishable property, animals, firearms and

D.C. Code,
sec. 4-151

D.C. Code,
sec. 4-160

property of insane persons, not otherwise disposed of in accordance with section 415 of the Revised Statutes of the District of Columbia, that shall remain in the custody of the property clerk for not less than ninety (90) days, except motor vehicles which shall be held for not less than sixty (60) days, without being claimed and repossessed, the property clerk shall:

"(1) Publish or cause to be published, in a newspaper of general circulation in the District once a week for three (3) consecutive weeks, (A) a description of the property and (B) notice that if such property is not claimed by the rightful owner within sixty (60) days from the date of first publication, title to the property shall revert to the finder of lost property after deduction for the expenses of custody and publication, or to the District of Columbia in all other cases; and

"(2) Post or cause to be posted in the Metropolitan Police Department Headquarters where public notices are commonly or usually posted, a copy of the notice published in the newspaper of general circulation in the District, and shall make a record of the date when such publication and the posting of the notices are made.

"(b) If neither the rightful owner nor the finder appear to claim the lost property, title to such property

shall transfer to the District government and may be sold at public auction at such place and time as the property clerk may direct and in such a manner as to expose to the inspection of bidders all property so offered for sale. The property clerk need not offer any property for sale if, in the property clerk's opinion, the probable cost of sale exceeds the value of the property.

"(c) The purchaser at any sale conducted by the property clerk pursuant to this title shall receive title to the property purchased, free from all claims of the rightful owner or the finder of the property and all persons claiming through and under the rightful owner or the finder. The property clerk shall execute all documents necessary to complete the transfer of title.

"(d) All proceeds from any sale under this section shall be deposited in the General Fund of the District government."

Sec. 203. The Revised Statutes of the District of Columbia are amended by adding immediately following section 424 the following new section to read as follows:

D.C.Code,
sec. 4-168

"424a. Nothing in sections 408 through 424 shall be held to require the property clerk to make disposition of any abandoned intangible personal property except as

Enrolled original

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provided for in Title I of the 'District of Columbia Uniform Disposition of Unclaimed Property Act of 1980.'".

TITLE III

Sec. 301. (a) This act shall take effect after a thirty (30) day period of Congressional review following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 313; D.C. Code, sec. 1-147(c)(1)).

(b) Title I of this act shall apply retroactively to all items of property which would have been presumed abandoned if this act had been in effect as of January 1, 1980.

D.C.Code,
sec. 42-242

Anthony H. Hines
Chairman
Council of the District of Columbia

M. A. Berry
Mayor
District of Columbia

APPROVED: November 10, 1980

COUNCIL OF THE DISTRICT OF COLUMBIA

RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: B 3-267

ACTION: Adopted First Reading, Consent Calendar, 10/14/80

VOICE VOTE: Unanimous

Absent: Hardy

ROLL CALL VOTE:

COUNCIL MEMBER	VOTE	VOTE	VOTE	COUNCIL MEMBER	VOTE	VOTE	VOTE	COUNCIL MEMBER	VOTE	VOTE	VOTE
DIXON	1	1	1	KANE	1	1	1	SHACKLETON	1	1	1
WINTER	1	1	1	MASON	1	1	1	SPAUING	1	1	1
CLARK	1	1	1	MOORE	1	1	1	NELSON	1	1	1
HARDY	1	1	1	RAY	1	1	1		1	1	1
ROTARY	1	1	1	ROTARY	1	1	1		1	1	1

CERTIFICATION OF RECORD

John A. Board
Secretary to the Council

ACTION: Adopted Final Reading, 10/28/80

VOICE VOTE: Majority

Absent: Moore

ROLL CALL VOTE:

COUNCIL MEMBER	VOTE	VOTE	VOTE	COUNCIL MEMBER	VOTE	VOTE	VOTE	COUNCIL MEMBER	VOTE	VOTE	VOTE
DIXON	1	1	1	KANE	1	1	1	SHACKLETON	1	1	1
WINTER	1	1	1	MASON	1	1	1	SPAUING	1	1	1
CLARK	1	1	1	MOORE	1	1	1	NELSON	1	1	1
HARDY	1	1	1	RAY	1	1	1		1	1	1
ROTARY	1	1	1	ROTARY	1	1	1		1	1	1

CERTIFICATION OF RECORD

John A. Board
Secretary to the Council

ACTION:

VOICE VOTE:

Absent:

ROLL CALL VOTE:

COUNCIL MEMBER	VOTE	VOTE	VOTE	COUNCIL MEMBER	VOTE	VOTE	VOTE	COUNCIL MEMBER	VOTE	VOTE	VOTE
DIXON	1	1	1	KANE	1	1	1	SHACKLETON	1	1	1
WINTER	1	1	1	MASON	1	1	1	SPAUING	1	1	1
CLARK	1	1	1	MOORE	1	1	1	NELSON	1	1	1
HARDY	1	1	1	RAY	1	1	1		1	1	1
ROTARY	1	1	1	ROTARY	1	1	1		1	1	1

CERTIFICATION OF RECORD