

1                   **SENATE FLOOR VERSION**  
2                   April 15, 2025

3                   ENGROSSED HOUSE  
4                   BILL NO. 2161

By: Dobrinski of the House  
and

Jech of the Senate

An Act relating to museum property; defining terms; providing that a museum may acquire title to undocumented property in certain instances; providing procedure for museums to acquire title to undocumented property; providing that a museum may acquire title to loaned property in certain instances; providing procedures for museums to acquire title to loaned property; providing procedure reclamation of property in certain circumstances; providing obligations owed to a lender by a museum; providing obligations owed to a museum by a lender; providing that a museum may apply conservation measures to or dispose of property on loan to the museum in certain circumstances; providing procedure if a museum applies conservation measures to or disposes of property; providing that a museum may apply conservation measures to or dispose of undocumented property in certain circumstances; providing procedure if a museum applies conservation measures to or disposes of undocumented property; providing for limitation of legal actions against a museum and limiting liability for a museum in certain circumstances; providing that property on loan to museum which would escheat to the state upon the owners death shall instead become property of the museum at which it is loaned to; providing for codification; and providing an effective date.

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3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

4 SECTION 1. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 2001 of Title 60, unless there  
6 is created a duplication in numbering, reads as follows:

7 As used in this act:

8 1. "Lender" means a person whose name appears on the records of  
9 the museum as the person legally entitled to property held or on  
10 loan to the museum;

11 2. "Lender's last-known address" means a description of the  
12 physical or mailing address of the lender, as shown on the museum's  
13 records pertaining to the property on loan from the lender, which is  
14 sufficient for the purpose of delivering mail;

15 3. "Loan", "loaned", and "on loan" means all deposits of  
16 property with a museum which are not accompanied by a transfer of  
17 title to the property;

18 4. "Museum" means an organization which uses a professional  
19 staff or the equivalent, whether paid or unpaid, that is primarily  
20 engaged in the acquisition, care, and exhibition to the public of  
21 objects, interactive displays, or exhibits owned or used by the  
22 institution. Further, a museum is understood to possess a variety  
23 of the following characteristics:

- 1           a.    is organized on a permanent or regular basis for  
2                           essentially educational or aesthetic purposes,  
3           b.    owns or uses tangible objects, either animate or  
4                           inanimate,  
5           c.    cares for these objects,  
6           d.    exhibits these objects to the general public on a  
7                           regular basis at or in a facility which it owns or  
8                           operates, and  
9           e.    provides educational and cultural programming;

10       5. "Person" means an individual, association, trust

11      partnership, corporation or similar organization having a legal  
12      interest in property in the possession of a museum;

13       6. "Property" means all tangible objects, animate and  
14      inanimate, under a museum's care which have intrinsic scientific,  
15      historic, artistic, or cultural value; and

16       7. "Undocumented property" means property in the possession of  
17      a museum for which the museum cannot determine the person with legal  
18      interest by referencing the museum's records.

19       SECTION 2.    NEW LAW       A new section of law to be codified

20      in the Oklahoma Statutes as Section 2002 of Title 60, unless there  
21      is created a duplication in numbering, reads as follows:

22       A. A museum may acquire legal title to undocumented property  
23      held by a museum for seven (7) years or longer, verifiable through

1 written records, with no valid claim or contact by any person in the  
2 following manner:

3       1. The museum shall publish a notice by publication in a  
4 newspaper of record in the county of the museum. This notice shall  
5 include:

- 6           a. brief and general description of the property,
- 7           b. the date or approximate date of the acquisition by the  
8                          museum, if known,
- 9           c. notice of the intent of the museum to claim title if  
10                         no valid claims are made within ninety (90) days from  
11                         the date of the first notice, and
- 12           d. the name and address of the museum representative to  
13                         contact for more information or to make a claim; and

14       2. If no valid claims have been made by the end of ninety (90)  
15 days, the museum shall publish a second notice. This second notice  
16 shall include:

- 17           a. a brief and general description of the property,
- 18           b. the date or approximate date of the acquisition by the  
19                          museum, if known,
- 20           c. notice that the museum claims title to the property as  
21                         of the date described in subparagraph c of paragraph 1  
22                         of this subsection, and
- 23           d. the name and address of the museum representative to  
24                         contact for more information or to make a claim.

1       B. On compliance with subsection A of this section clear and  
2 unrestricted title is transferred to the museum as of the date  
3 described in subparagraph c of paragraph 1 of subsection A of this  
4 section.

5           SECTION 3.        NEW LAW        A new section of law to be codified  
6 in the Oklahoma Statutes as Section 2003 of Title 60, unless there  
7 is created a duplication in numbering, reads as follows:

8           A. A museum may acquire legal title to loaned property pursuant  
9 to this section. Upon the expiration date of the loan, the museum  
10 must attempt to notify the lender in writing in order to return the  
11 loan. If, since the expiration date of the loan, two (2) years have  
12 passed with no written contact between the lender and the museum or  
13 if the loan has no expiration date and at least two (2) years have  
14 passed since the loan was made and written contact between the  
15 lender and the museum occurred, the museum shall send a notice by  
16 certified mail, return receipt requested, to the lender's last-known  
17 address. This notice shall contain a statement that the loan is now  
18 terminated as well as all information required in the notice under  
19 paragraph 1 of subsection A of Section 2 of this act. Notice is  
20 deemed given if the museum receives proof of receipt within thirty  
21 (30) days after mailing the notice. If proof of delivery of the  
22 notice is not received within thirty (30) days from the date the  
23 notice was mailed, the museum shall publish a notice by publication

1      in the newspaper of record in the county where the museum is  
2      located.

3            B. If the requirements of subsection A of this section are met,  
4      the museum may acquire title to the loaned property by sending a  
5      notice by certified mail, return receipt requested, to the lender's  
6      last-known address. This notice shall contain all information  
7      required in the notice under paragraph 2 of subsection A of Section  
8      2 of this act.

9            SECTION 4.        NEW LAW        A new section of law to be codified  
10     in the Oklahoma Statutes as Section 2004 of Title 60, unless there  
11     is created a duplication in numbering, reads as follows:

12            After title to the property is transferred to the museum, the  
13     person as defined in paragraph 5 of Section 1 of this act, has two  
14     (2) years to bring an action against the museum to claim the  
15     property. At the end of this two-year period no action or  
16     proceeding may be brought against the museum, its employees, or  
17     agents by a lender for any good faith action taken by the museum  
18     pursuant to this act.

19            SECTION 5.        NEW LAW        A new section of law to be codified  
20     in the Oklahoma Statutes as Section 2005 of Title 60, unless there  
21     is created a duplication in numbering, reads as follows:

22            In order to take title pursuant to this act, a museum shall have  
23     the following obligations to a lender:

1       1. The museum must keep written records regarding the property  
2 for at least two (2) years from the date of taking title pursuant to  
3 this act;

4       2. The museum must keep written records on all loans acquired.  
5 Records shall contain the owner's name, address and phone number,  
6 the duration of the loan period and beginning date of the loan  
7 period, as well as an itemized list of property being loaned;

8       3. The museum is responsible for notifying a lender of the  
9 museum's change of address or dissolution;

10      4. The museum shall inform the lender, at the time the loan is  
11 made, of state laws governing unclaimed property; and

12      5. Upon expiration of the loan, the museum must attempt to  
13 contact the lender by phone, email, and letter to return the loan.

14      SECTION 6.     NEW LAW       A new section of law to be codified  
15 in the Oklahoma Statutes as Section 2006 of Title 60, unless there  
16 is created a duplication in numbering, reads as follows:

17      The lender shall notify the museum of a change of address or of  
18 a change in ownership of the loaned property in order to ensure the  
19 retention of rights to the loaned property.

20      SECTION 7.     NEW LAW       A new section of law to be codified  
21 in the Oklahoma Statutes as Section 2007 of Title 60, unless there  
22 is created a duplication in numbering, reads as follows:

23      A. Unless there is a written loan agreement to the contrary, a  
24 museum may apply conservation measures to or dispose of property on

1 loan to the museum without a lender's permission if immediate action  
2 is required to protect the property on loan or to protect other  
3 property in the custody of the museum, or the property on loan has  
4 become a hazard to the health and safety of the public or of the  
5 museum's staff, and:

6       1. The museum cannot reach the lender at the lender's last  
7 address of record so that the museum and the lender can promptly  
8 agree on a solution; or

9       2. The lender will not agree to the protective measures the  
10 museum recommends, yet is unwilling or unable to terminate the loan  
11 and retrieve the property.

12      B. If a museum applies conservation measures to or disposes of  
13 property under subsection A of this section, the museum:

14       1. Has a lien on the property and on the proceeds from any  
15 disposition of the property for the costs incurred by the museum;  
16 and

17       2. Is not liable for injury to or loss of the property if the  
18 museum:

19           a. had a reasonable belief at the time the action was  
20                   taken that the action was necessary to protect the  
21                   property on loan or other property in the custody of  
22                   the museum, or that the property on loan constituted a  
23                   hazard to the health and safety of the public or the  
24                   museum's staff, and

1                   b.     exercised reasonable care in the choice and  
2                         application of the conservation measures.

3                   SECTION 8.     NEW LAW     A new section of law to be codified  
4     in the Oklahoma Statutes as Section 2008 of Title 60, unless there  
5     is created a duplication in numbering, reads as follows:

6                   A.     A museum may apply conservation measures to or dispose of  
7     undocumented property in possession of the museum if immediate  
8     action is required to protect the property or to protect other  
9     property in the custody of the museum, or the property has become a  
10   hazard to the health and safety of the public or of the museum's  
11   staff.

12                  B.    If a museum applies conservation measures to or disposes of  
13   undocumented property, the museum:

14                  1.    May impose a lien on the undocumented property and on the  
15   proceeds from any disposition of the property for the costs incurred  
16   by the museum; and

17                  2.    Is not liable for injury to or loss of the undocumented  
18   property if the museum:

19                  a.    had a reasonable belief at the time the action was  
20                         taken that the action was necessary to protect the  
21                         property or other property in the custody of the  
22                         museum, or that the property constituted a hazard to  
23                         the health and safety of the public or the museum's  
24                         staff, and

1                   b.     exercised reasonable care in the choice and  
2                         application of the conservation measures.

3                   SECTION 9.     NEW LAW     A new section of law to be codified  
4     in the Oklahoma Statutes as Section 2009 of Title 60, unless there  
5     is created a duplication in numbering, reads as follows:

6                   A.     An action shall not be brought against a museum for damages  
7     because of injury to or loss of property loaned to the museum more  
8     than two (2) years from the date the museum gives the lender or  
9     person with legal interests notice of the injury or loss or two (2)  
10    years from the date of the injury or loss, whichever occurs earlier.

11                  B.     An action shall not be brought against a museum to recover  
12    property more than two (2) years after the date the museum gives the  
13    person with legal interests notice of its intent to acquire the  
14    property.

15                  C.     An action shall not be brought against a museum to recover  
16    property on loan more than two (2) years from the date of the last  
17    written contact between the lender or person with legal interest and  
18    the museum as evidenced by the museum's records.

19                  D.     A lender is considered to have donated loaned property to  
20    the museum if the lender fails to file an action to recover the  
21    property on loan to the museum within the time periods specified in  
22    subsections A through C of this section.

23                  E.     Notwithstanding subsections C and D of this section, a  
24    lender who was not given notice as provided in this act that the

1 museum intended to terminate a loan as provided in Section 3 of this  
2 act, and who proves that the museum received an adequate notice of  
3 intent to preserve an interest in loaned property, which satisfies  
4 all of the requirements of Section 3 of this act, within the two (2)  
5 years immediately preceding the filing of an action to recover the  
6 property, may recover the property or, if the property has been  
7 disposed of, the reasonable value of the property at the time it was  
8 disposed of plus interest at the legal rate.

9 F. A museum is not liable at any time, in the absence of a  
10 court order, for returning property to the original lender even if a  
11 person other than the lender has filed a notice of intent to  
12 preserve an interest in property. If a person claims competing  
13 interests in property in the possession of a museum, the burden is  
14 upon the claimant to prove the interest in an action in equity  
15 initiated by a claimant. A museum is not liable at any time for  
16 returning property to an uncontested claimant who produced  
17 reasonable proof of ownership or the existence of a security  
18 interest pursuant to Section 3 of this act.

19 SECTION 10. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 2010 of Title 60, unless there  
21 is created a duplication in numbering, reads as follows:

22       Loaned property in the possession of a museum at the time of the  
23 owner's death, which would otherwise escheat to the state, shall not  
24

1 so escheat but shall become property of the museum to which it is  
2 loaned.

3 SECTION 11. This act shall become effective November 1, 2025.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
April 15, 2025 - DO PASS

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