HOUSE DOCKET, NO. 35 FILED ON: 1/23/2017

HOUSE . . . . . No. 35

So much of the recommendations of the Department of the State Treasurer (House, No. 23) as relates to enhancing consumer protection with respect to unclaimed property. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to enhancing consumer protection with respect to unclaimed property.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 13 of chapter 200A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the section and inserting in place thereof the following section:-

Section 13. (a) Agreements covered by this section shall be agreements by which the owner is a natural person, estate or rightful heir of a property and such natural person, estate or rightful heir contracts with a third-party for the primary purpose to locate, deliver, recover, or assist in the recovery of property that is distributable to the owner or presumed abandoned.

(b) An agreement covered by this section is void and unenforceable if it was entered into during the period commencing on the date the property was distributable to the over and extending to a time that is 24 months after the date the property is paid or delivered to the treasurer.

(c) An agreement covered by this section is enforceable only if it meets all of the following criteria: (1) is in writing and clearly sets forth the nature and underlying value of the property; (2) clearly identifies the services which will be rendered and performed by the contracting parties; (3) is signed by the owner, with signature notarized; (4) describes the property, and must include the type of property, the original holder of the property, the property identification assigned by the treasurer as well as the value or amount of the property; (5) clearly states the fees and costs for services which shall not exceed ten percent of the value of the property which is recovered; (6) discloses that the property is being held by the unclaimed property division.

(d) Any person who enters into an agreement covered by this section with an owner, or any individual who requests owner information for property from the treasurer for the purpose of locating and contracting for a fee to assist an individual or business entity in the recovery of said property, shall register each calendar year with the unclaimed property division. The information required under this section shall include the individual's name, address, telephone number, state of incorporation along with supporting documents from the government agency of the incorporated state which oversee such activity, the individuals federal identification number, a signed and notarized affidavit attesting to the understanding of the laws governing fee for service locators in the commonwealth as well as any other requirement determined by the treasurer pursuant to regulation. A registration fee of one hundred dollars shall be paid to the treasurer at the time of each annual filing. Fees received under this section shall be credited to the Unclaimed Property Trust Fund.

(e) This section shall not apply property subject to section 32 of chapter 29 of the General Laws.