

HOUSE No. 21

So much of the recommendations of the Department of the State Treasurer (House, No. 17) as relates to enhancing consumer protection with respect to unclaimed property. The Judiciary.

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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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:

1 Section 13 of chapter 200A of the General Laws, as appearing in the 2012 Official
2 Edition, is hereby amended by striking out the current section and replacing with the following:-

3 Section 13. Agreements covered by this section shall be agreements by which the owner
4 or rightful heir of a property contracts with a third-party for the primary purpose to locate,
5 deliver, recover, or assist in the recovery of property that is distributable to the owner or
6 presumed abandoned.

7 (a)Void Agreements: An agreement covered by this section is void and unenforceable if
8 it was entered into during the period commencing on the date the property was distributable to
9 the over and extending to a time that is 24 months after the date the property is paid or delivered
10 to the Office of the State Treasurer.

11 (b)Criteria for Agreements: An agreement covered by this section is enforceable only if it
12 meets all of the following criteria:

13 (1) Is in writing and clearly sets forth the nature and underlying value of the property.

14 (2) Clearly identifies the services which will be rendered and performed by the
15 contracting parties.

16 (3) Is signed by the owner, with signature notarized.

17 (4) Describes the property, and must include the type of property, the original holder of
18 the property, the property ID assigned by the State Treasurer as well as the value or amount of
19 the property.

20 (5) State clearly the fees and costs for services which shall not exceed ten per cent (10%)
21 of the value of the property which is recovered.

22 (6) Discloses that the property is being held by the Massachusetts State Treasurer's
23 Unclaimed Property Division.

24 (c)Registration: Any person who enters into an agreement covered by this section with an
25 owner, or any individual who requests owner information for property from the State Treasurer's
26 Office for the purpose of locating and contracting for a fee to assist an individual or business
27 entity in the recovery of said property, shall register each calendar year with the Unclaimed
28 Property Division. The information required under this section shall include the individual's
29 name, address, telephone number, state of incorporation along with supporting documents from
30 the government agency of the incorporated state which oversee such activity, the individuals
31 federal identification number, a signed and notarized affidavit attesting to the understanding of
32 the laws governing fee for service locators in the Commonwealth of Massachusetts as well as
33 any other requirement determined by the Treasurer in the Code of Massachusetts Regulation. A
34 registration fee of one hundred dollars (\$100) shall be paid to the Treasurer at the time of each
35 annual filing. Fees received under this section shall be credited to the Unclaimed Property Trust
36 Fund.

37 (d) This section shall not apply property subject to M.G.L. ch. 29 s. 32.