

HOUSE No. 25

So much of the recommendations of the Department of the State Treasurer (House, No. 21) as relates to enhancing consumer protection with respect to unclaimed property. The Judiciary.

The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court

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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
2 Official Edition, is hereby amended by striking out the current section and replacing with the
3 following:-

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

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

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

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

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

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

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

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

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

26 (c)Registration: Any person who enters into an agreement covered by this
27 section with an owner, or any individual who requests owner information for property from the
28 State Treasurer's Office for the purpose of locating and contracting for a fee to assist an
29 individual or business entity in the recovery of said property, shall register each calendar year
30 with the Unclaimed Property Division. The information required under this section shall include
31 the individual's name, address, telephone number, state of incorporation along with supporting
32 documents from the government agency of the incorporated state which oversee such activity,
33 the individuals federal identification number, a signed and notarized affidavit attesting to the
34 understanding of the laws governing fee for service locators in the Commonwealth of

35 Massachusetts as well as any other requirement determined by the Treasurer in the Code of
36 Massachusetts Regulation. A registration fee of one hundred dollars (\$100) shall be paid to the
37 Treasurer at the time of each annual filing. Fees received under this section shall be credited to
38 the Unclaimed Property Trust Fund.

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