

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:

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

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

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

12 (c) An agreement covered by this section is enforceable only if it meets all of the
13 following criteria: (1) is in writing and clearly sets forth the nature and underlying value of the

14 property; (2) clearly identifies the services which will be rendered and performed by the
15 contracting parties; (3) is signed by the owner, with signature notarized; (4) describes the
16 property, and must include the type of property, the original holder of the property, the property
17 identification assigned by the treasurer as well as the value or amount of the property; (5) clearly
18 states the fees and costs for services which shall not exceed ten percent of the value of the
19 property which is recovered; (6) discloses that the property is being held by the unclaimed
20 property division.

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

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