

---

---

# A BILL FOR AN ACT

RELATING TO UNCLAIMED PROPERTY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 523A-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3 "(a) Except for property held in a safe deposit box or  
4 other safekeeping depository, [~~within six months after the final~~  
5 ~~date for~~] upon filing the report required by section 523A-8, the  
6 holder of property presumed abandoned shall pay, deliver, or  
7 cause to be paid or delivered to the administrator the property  
8 described in the report as unclaimed, but if the property is an  
9 automatically renewable deposit, and a penalty or forfeiture in  
10 the payment of interest would result, the time for compliance  
11 shall be extended until a penalty or forfeiture would no longer  
12 result. Tangible property held in a safe deposit box or other  
13 safekeeping depository shall not be delivered to the  
14 administrator until an additional one hundred twenty days after  
15 the time for payment or delivery to the administrator of  
16 property presumed abandoned as required by this subsection."

17 SECTION 2. Section 523A-15, Hawaii Revised Statutes, is  
18 amended to read as follows:



1 " ~~[+]~~§523A-15~~[+]~~ Filing claim with administrator; handling  
2 of claims by administrator. (a) A person, excluding another  
3 state, claiming property paid or delivered to the administrator  
4 may file a claim on a form prescribed by the administrator and  
5 verified by the claimant.

6 ~~[(b) Within one hundred twenty days after a claim is  
7 filed, the administrator shall allow or deny the claim and give  
8 written notice of the decision to the claimant. If the claim is  
9 denied, the administrator shall inform the claimant of the  
10 reasons for the denial and specify what additional evidence is  
11 required before the claim will be allowed. The claimant may  
12 then file a new claim with the administrator or maintain an  
13 action under section 523A-16.~~

14 ~~(c) Within thirty days after a claim is allowed, the  
15 property or the net proceeds of a sale of the property shall be  
16 delivered or paid by the administrator to the claimant, together  
17 with any dividend, interest, or other increment to which the  
18 claimant is entitled under sections 523A-12 and 523A-13.~~

19 ~~(d)]~~ (b) A holder who pays the owner for property that has  
20 been delivered to the State and which, if claimed from the  
21 administrator by the owner would be subject to an increment



1 under sections 523A-12 and 523A-13, may recover from the  
2 administrator the amount of the increment."

3 SECTION 3. Section 523A-16, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§523A-16[+] **Action to establish claim.** A person,  
6 excluding another state, aggrieved by a decision of the  
7 administrator or whose claim has not been acted upon [~~within one~~  
8 ~~hundred twenty days after its filing~~] may maintain an original  
9 action to establish the claim in the circuit court, naming the  
10 administrator as a defendant. If the aggrieved person  
11 establishes the claim in an action against the administrator,  
12 the court may award the claimant reasonable attorney's fees."

13 SECTION 4. Section 560:3-1210, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "**§560:3-1210 Undistributed proceeds or balances,**  
16 **disposition.** When any balance remains in the hands of the  
17 clerk, after payment in the order specified in section 560:3-  
18 805, and no heirs or devisees of the decedent, entitled to the  
19 balance, can be located after reasonable search and inquiry, the  
20 clerk, after the expiration of one year after the first  
21 publication, shall report the fact to the court, which shall  
22 forthwith enter an order forwarding such property to the state



1 director of finance, and the clerk thereupon shall immediately  
2 deposit the money or funds, or any balance, with the director  
3 for disposition as provided in chapter 523A. The director at  
4 any time may authorize the payment out of the [~~general~~] trust  
5 funds of the State of any amount so forwarded to any person who  
6 establishes to the satisfaction of the director that the person  
7 is legally entitled thereto as an heir or devisee of the  
8 decedent, and the person shall be entitled to receive the amount  
9 thereof out of any moneys in the treasury not otherwise  
10 appropriated, upon warrant drawn by the state comptroller."

11 SECTION 5. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 2010.



**Report Title:**

Unclaimed Property Program

**Description:**

Requires holders of unclaimed property to remit all property with their November 1 report and deletes reference to a specific number of days in which claims must be acted upon. Makes a technical correction to a reference to the Unclaimed Property Trust Fund. Effective July 1, 2010. (SB2685 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

