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A B I L L

To amend section 169.03 of the Revised Code to 1
require that notice of unclaimed funds be mailed 2
to owners by holders of the funds either by 3
regular or certified mail depending upon the value 4
of the funds and to authorize charges for certain 5
mailings of notices. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 169.03 of the Revised Code be amended 7
to read as follows: 8

Sec. 169.03. (A)(1) Every holder of unclaimed funds and, when 9
requested, every person ~~which~~ that could be the holder of 10
unclaimed funds, under this chapter shall report to the director 11
of commerce with respect to the unclaimed funds as provided in 12
this section. The report shall be verified. 13

(2) With respect to items of unclaimed funds each having a 14
value of fifty dollars or more, the report required under division 15
(A)(1) of this section shall include the following: 16

(a) The full name, if known, and last known address, if any, 17

of each person appearing from the records of the holder to be the owner of unclaimed funds under this chapter;

(b) In the case of unclaimed funds reported by holders providing life insurance coverage, the full name of the insured or annuitant and beneficiary, if any, and their last known addresses according to ~~such~~ the holder's records;

(c) The nature and identifying number, if any, or description of the funds and the amount appearing from the records to be due;

(d) The date when the funds became payable, demandable, or returnable and the date of the last transaction with the owner with respect to the funds;

(e) Subject to division (I) of this section, the social security number of the owner of the unclaimed funds, if it is available;

(f) Other information ~~which~~ that the director prescribes as necessary for the administration of this chapter.

(3) With respect to items of unclaimed funds each having a value of less than fifty dollars, the report required under division (A)(1) of this section shall include the following:

(a) Each category of items of unclaimed funds as described in section 169.02 of the Revised Code;

(b) The number of items of unclaimed funds within each category;

(c) The aggregated value of the items of unclaimed funds within each category.

(B) If the holder of unclaimed funds is a successor to other organizations that previously held the funds for the owner, or if the holder has changed its name while holding the funds, it shall file with the report all prior known names and addresses and date and state of incorporation or formation of each holder of the

funds. 48

(C) The report shall be filed before the first day of 49
November of each year as of the preceding thirtieth day of June, 50
but the report of holders providing life insurance coverage shall 51
be filed before the first day of May of each year as of the 52
preceding thirty-first day of December. The director may postpone, 53
for good cause shown, the reporting date upon written request by 54
any holder required to file a report. 55

(D) The holder of unclaimed funds under this chapter shall 56
send notice to each owner of each item of unclaimed funds having a 57
value of fifty dollars or more at the last known address of the 58
owner as shown by the records of the holder before filing the 59
annual report. In case of holders providing life insurance 60
coverage, ~~such~~ this notice shall also be mailed to each 61
beneficiary at the last known address of ~~such~~ the beneficiary as 62
shown by the records of ~~such~~ the holder, except that ~~such~~ the 63
notice to beneficiaries shall not be mailed if ~~such~~ that address 64
is the same as that of the insured and the surname of the 65
beneficiary is the same as that of the insured. The holder shall 66
not report an item of unclaimed funds earlier than the thirtieth 67
day after the mailing of notice required by this division. 68

~~Such~~ The notice required by this division shall set forth the 69
nature and identifying number, if any, or description of the funds 70
and the amount appearing on the records of the holder to be due 71
the owner, and shall inform the owner that the funds will, thirty 72
days after the mailing of ~~such~~ the notice, be reported as 73
unclaimed funds under this chapter. A self-addressed, stamped 74
envelope shall be included with the notice, with instructions that 75
the owner may use ~~such~~ the envelope to inform the holder of the 76
owner's continued interest in the funds, and, if so informed 77
before the date for making the report to the director, the holder 78
shall not report ~~said~~ the funds to the director. The notice shall 79

be mailed by first class mail if the item of unclaimed funds has a 80
value of fifty dollars or more but less than one thousand dollars 81
and by certified mail, return receipt requested, if the item of 82
unclaimed funds has a value of one thousand dollars or more. A 83
holder that sends a notice by certified mail, return receipt 84
requested, may charge the item of unclaimed funds up to twenty 85
dollars for providing that notice. If there is no address of 86
record for the owner or other person entitled to the unclaimed 87
funds, the holder is relieved of any responsibility of sending 88
notice, attempting to notify, or notifying the owner. The mailing 89
of notice pursuant to this section shall discharge the holder from 90
any further responsibility to give notice. 91

(E) Verification of the report and of the mailing of notice, 92
where required, shall be executed by an officer of the reporting 93
holder. 94

(F)(1) The director may, at reasonable times and upon 95
reasonable notice, examine or cause to be examined, by auditors of 96
supervisory departments or divisions of the state, the records of 97
any holder to determine compliance with this chapter. 98

(2) Holders shall retain records, designated by the director 99
as applicable to unclaimed funds, for five years beyond the 100
relevant time period provided in section 169.02 of the Revised 101
Code, or until completion of an audit conducted pursuant to 102
division (F) of this section, whichever occurs first. An audit 103
conducted pursuant to division (F) of this section shall not 104
require a holder to make records available for a period of time 105
exceeding the records retention period set forth in division (F) 106
of this section, except for records pertaining to instruments 107
evidencing ownership, or rights to them or funds paid toward the 108
purchase of them, or any dividend, capital credit, profit, 109
distribution, interest, or payment on principal or other sum, held 110
or owed by a holder, including funds deposited with a fiscal agent 111

or fiduciary for payment of them, or pertaining to debt of a 112
publicly traded corporation. Any holder that is audited pursuant 113
to division (F) of this section shall only be required to make 114
available those records that are relevant to an unclaimed funds 115
audit of that holder as prescribed by the director. 116

(3) The director may enter into contracts, pursuant to 117
procedures prescribed by the director, with persons for the sole 118
purpose of examining the records of holders, determining 119
compliance with this chapter, and collecting, taking possession 120
of, and remitting to the department's division of unclaimed funds, 121
in a timely manner, the amounts found and defined as unclaimed. 122
The director shall not enter into such a contract with a person 123
unless the person does all of the following: 124

(a) Agrees to maintain the confidentiality of the records 125
examined, as required under division (F)(4) of this section; 126

(b) Agrees to conduct the audit in accordance with rules 127
adopted under section 169.09 of the Revised Code; 128

(c) Obtains a corporate surety bond issued by a bonding 129
company or insurance company authorized to do business in this 130
state. The bond shall be in favor of the director and in the penal 131
sum determined by the director. The bond shall be for the benefit 132
of any holder of unclaimed funds that is audited by the principal 133
and is injured by the principal's failure to comply with division 134
(F)(3)(a) or (b) of this section. 135

(4) Records audited pursuant to division (F) of this section 136
are confidential, and shall not be disclosed except as required by 137
section 169.06 of the Revised Code or as the director considers 138
necessary in the proper administration of this chapter. 139

(5) If a person with whom the director has entered into a 140
contract pursuant to division (F)(3) of this section intends to 141
conduct, in conjunction with an unclaimed funds audit under this 142

section, an unclaimed funds audit for the purpose of administering 143
another state's unclaimed or abandoned property laws, the person, 144
prior to commencing the audit, shall provide written notice to the 145
director of the person's intent to conduct such an audit, along 146
with documentation evidencing the person's express authorization 147
from the other state to conduct the audit on behalf of that state. 148

(6) Prior to the commencement of an audit conducted pursuant 149
to division (F) of this section, the director shall notify the 150
holder of unclaimed funds of the director's intent to audit the 151
holder's records. If the audit will be conducted in conjunction 152
with an audit for one or more other states, the director shall 153
provide the holder with the name or names of those states. 154

(7) Any holder of unclaimed funds may appeal the findings of 155
an audit conducted pursuant to division (F) of this section to the 156
director. Pursuant to the authority granted by section 169.09 of 157
the Revised Code, the director shall adopt rules establishing 158
procedures for considering such an appeal. 159

(G) All holders shall make sufficient investigation of their 160
records to ensure that the funds reported to the director are 161
unclaimed as set forth in division (B) of section 169.01 and 162
section 169.02 of the Revised Code. 163

(H) The expiration of any period of limitations on or after 164
March 1, 1968, within which a person entitled to any moneys, 165
rights to moneys, or intangible property could have commenced an 166
action or proceeding to obtain ~~the same~~ these items shall not 167
prevent ~~such~~ these items from becoming unclaimed funds or relieve 168
the holder ~~thereof~~ of them of any duty to report and give notice 169
as provided in this section and deliver ~~the same~~ them in the 170
manner provided in section 169.05 of the Revised Code, provided 171
that the holder may comply with ~~the provisions of~~ this section and 172
section 169.05 of the Revised Code with respect to any moneys, 173
rights to moneys, or intangible property as to which the 174

applicable statute of limitations has run prior to March 1, 1968, 175
and in ~~such~~ that event the holder shall be entitled to the 176
protective provisions of section 169.07 of the Revised Code. 177

(I) No social security number contained in a report made 178
pursuant to this section shall be used by the department of 179
commerce for any purpose other than to enable the division of 180
unclaimed funds to carry out the purposes of this chapter and for 181
child support purposes in response to a request made by the office 182
of child support in the department of job and family services made 183
pursuant to section 3123.88 of the Revised Code. 184

Section 2. That existing section 169.03 of the Revised Code 185
is hereby repealed. 186