

AMENDED IN ASSEMBLY MARCH 22, 2012

AMENDED IN ASSEMBLY MARCH 6, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1634

Introduced by Assembly Member Bonnie Lowenthal

February 9, 2012

An act to amend Section 1582 of the Code of Civil Procedure, relating to unclaimed property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as amended, Bonnie Lowenthal. Unclaimed property.

The Unclaimed Property Law requires a person holding funds or other property escheated to the state to file a report with the Controller and to pay or deliver the escheated property to the Controller, unless another person has established his or her right to any of the property specified in the report. The Controller is required to publish notice within one year after payment or delivery of the escheated property, as specified. Under existing law, any agreement to locate, deliver, recover, or assist in the recovery of escheated property that is entered into between the date the report is filed and the date of publication of notice is not valid. Such an agreement made after publication of notice is valid if the fee or compensation agreed upon is not in excess of 10% of the recoverable property, and the agreement is in writing and signed by the owner after disclosure in the agreement of the nature and value of the property and the name and address of the person or entity in possession of the property.

This bill would provide that any solicitation made to locate, deliver, recover, or assist in the recovery of escheated property shall be in

writing, and shall disclose the nature and value of the property and the name, current mailing address, and telephone number or Internet Web site of the person or entity in possession of the property on the front page of the solicitation in at least a 12-point type. *The bill would require any agreement made after publication of notice to comply with these requirements, in addition to those requirements described above, in order to be valid.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1582 of the Code of Civil Procedure is
2 amended to read:
3 1582. (a) (1) Any agreement to locate, deliver, recover, or
4 assist in the recovery of property reported under Section 1530,
5 entered into between the date a report is filed under subdivision
6 (d) of Section 1530 and the date of publication of notice under
7 Section 1531 is not valid. Such an agreement made after
8 publication of notice is valid if ~~the~~ *all of the following conditions*
9 *are met:*

10 (A) *The fee or compensation agreed upon is not in excess of 10*
11 *percent of the recoverable property, and the.*

12 (B) *The agreement is in writing and signed by the owner after*
13 *disclosure in the agreement of the nature and value of the property*
14 *and the name and address of the person or entity in possession of*
15 *the property. Nothing*

16 (C) *Any solicitation made to the owner by the other party to the*
17 *agreement after the date of publication of notice under Section*
18 *1531 complies with the requirements of subdivision (b).*

19 (2) *Nothing* in this section shall be construed to prevent an owner
20 from asserting, at any time, that any agreement to locate property
21 is based upon an excessive or unjust consideration.

22 (b) Any solicitation made to locate, deliver, recover, or assist
23 in the recovery of property reported under Section 1530 shall be
24 in writing, and shall disclose the nature and value of the property
25 and the name, current mailing address, and telephone number or
26 Internet Web site of the person or entity in possession of the
27 property on the front page of the solicitation in at least a 12-point
28 type.

1 (c) Notwithstanding any other law, records of the Controller's
2 office pertaining to unclaimed property are not available for public
3 inspection or copying until after publication of notice of the
4 property or, if publication of notice of the property is not required,
5 until one year after delivery of the property to the Controller.

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