

AMENDED IN SENATE JUNE 6, 2000
AMENDED IN ASSEMBLY MAY 25, 1999
AMENDED IN ASSEMBLY MAY 19, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1625

Introduced by Assembly Member Cardoza

February 26, 1999

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1625, as amended, Cardoza. Unclaimed property: private investigators.

Existing law prohibits an agreement to locate, deliver, recover, or assist in the recovery of reported property subject to escheat to the state that is entered into between the date that a specified report is filed with the Controller and the date of publication of a specified notice. Under existing law, an agreement to engage in these activities entered into after publication of the notice is valid if it meets specified requirements.

This bill would additionally require the agreement to be between the owner of the property and a licensed private investigator, a licensed attorney, a registered or certified public accountant, or any other licensed fiduciary, as specified.

The bill would also require the Controller to refer information regarding complaints or possible violations of this provision to the appropriate regulatory board or agency, as specified.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes. 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
2 Procedure is amended to read:

3 1582. (a) No agreement to locate, deliver, recover, or
4 assist in the recovery of property reported under Section
5 1530, entered into between the date a report is filed under
6 subdivision (d) of Section 1530 and the date of publication
7 of notice under Section 1531 is valid. An agreement of this
8 type made after publication of the notice is valid if all of
9 the following requirements are met:

10 ~~(a)~~

11 (1) The fee or compensation agreed upon is not in
12 excess of 10 percent of the recoverable property.

13 ~~(b)~~

14 (2) The agreement is in writing and signed by the
15 owner after disclosure in the agreement of the nature and
16 value of the property and the name and address of the
17 person or entity in possession of the property.

18 ~~(c)~~

19 (3) The agreement is between the owner of the
20 property and one of the following:

21 ~~(1)~~

22 (A) A private investigator licensed in the state
23 pursuant to the Private Investigator Act (Chapter 11.3
24 commencing with Section 7512) of Division 3 of the
25 Business and Professions Code).

26 ~~(2)~~

27 (B) An attorney admitted and licensed in the state to
28 practice law pursuant to the State Bar Act—Chapter
29 (Chapter 4 (commencing with Section 6000) of Division
30 3 of the Business and Professions Code Code).

31 ~~(3)~~



1 (C) A public accountant who is registered pursuant to,
2 or a certified public accountant who is certified pursuant
3 to Chapter 1 (commencing with Section 5000) of Division
4 3 of the Business and Professions Code.

5 ~~(4)~~

6 (D) Any person owing a fiduciary duty to the property
7 owner who is licensed by the state to perform that
8 fiduciary duty and whose license would be subject to
9 sanction for violation of this chapter.

10 ~~Nothing~~

11 (E) *Any person working under the direct supervision*
12 *of a person meeting the requirements of subparagraphs*
13 *(A) to (D), inclusive.*

14 (b) *Upon learning of complaints or possible violations*
15 *of this section, the Controller shall refer the information*
16 *to the appropriate regulatory board or agency that*
17 *licenses or regulates the individual who is the subject of*
18 *the complaint or possible violation, and, where*
19 *appropriate, to the board or agency that licenses or*
20 *regulates the person providing the supervision of that*
21 *individual, for appropriate disciplinary action. These*
22 *regulatory boards or agencies may initiate disciplinary*
23 *action. Notwithstanding the provisions of the appropriate*
24 *regulatory or licensing law or regulation violations of this*
25 *section shall constitute grounds for disciplinary action by*
26 *these regulatory boards or agencies.*

27 (c) *Nothing* in this section shall be construed to
28 prevent an owner from asserting, at any time, that any
29 agreement to locate property is based upon an excessive
30 or unjust consideration.

31 ~~Notwithstanding~~

32 (d) *Notwithstanding* any other provision of law,
33 records of the Controller's office pertaining to unclaimed
34 property are not available for public inspection or
35 copying until after publication of notice of the property
36 or, if publication of notice of the property is not required,
37 until one year after delivery of the property to the
38 Controller.

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