

# States “Look from Within” to Further Improve Return Rates for Unclaimed Property

Lynden Lyman  
Unclaimed Property Advisor

[lynden@unclaimedadvisor.com](mailto:lynden@unclaimedadvisor.com)

June 2018

## States “Look from Within” to Further Improve Return Rates for Unclaimed Property

Since 2010, all states have significantly increased the percentage of reported unclaimed property returned to missing owners. Many state unclaimed property programs have doubled their historical return rates, with some now returning in excess of 60 percent of the property collected.<sup>1</sup> The significant improvement in return rates is largely attributable to states leveraging the Internet, which has facilitated the creation of a virtual “lost and found” in which the public, at its leisure, can search for lost assets.<sup>2</sup> Over time, programs have consistently upgraded their search sites, with many now offering both on-line claims filing, as well as significantly streamlined processes for nominal claims.<sup>3</sup>

As impressive as the states have been in boosting the percentage of reported property returned to owners, it is the objective of most programs to do even better. It is reasonably believed that as more owners recover property, public awareness will expand, resulting in more searches being conducted and greater numbers of claims being paid. However, some states have been proactive in undertaking detailed studies to determine the optimal use of both traditional<sup>4</sup> and social<sup>5</sup> media. Many states subscribe to the U.S. Post Office’s National Change of Address (NCOA) or commercial databases, which

---

<sup>1</sup> Return rates can vary significantly between states. Under federal common law, property due an owner whose state of last known address is unknown is reportable to the holder’s state of incorporation (or, for federally chartered entities, state of home office). Major holders are typically domiciled in a limited number of specific states that have enacted favorable corporation or banking law. Because it is virtually impossible to perform outreach where the owner of property cannot be identified, return rates in states receiving large volumes of property without a reported owner experience lower return rates. When return rates are adjusted for “owner unknown” property, as of 2017 virtually all state programs were returning 50 percent or more of reported amounts. In the 2017 fiscal year, the Florida Department of Financial Services approved and processed over 530,000 claims and paid owners nearly \$273 million. Even Delaware, which as the state of incorporation of most Fortune 500 companies receives very significant volumes of property without a reported owner, returned more than \$102 million to over 20,000 claimants in 2016. The state anticipates doubling the amounts returned by 2018.

<sup>2</sup> All 50 states, the District of Columbia, and Puerto Rico maintain searchable databases of unclaimed accounts, which can be accessed at no charge. The states additionally have established a national database ([www.missingmoney.com](http://www.missingmoney.com)) which permits a simultaneous search (likewise, at no fee) of the unclaimed property databases of all participating states. As of 2017, 40 states, the District of Columbia, and Puerto Rico had made their unclaimed property records accessible through the website.

<sup>3</sup> Increasingly, states “fast track” claims where the claimant is the owner of record, identity can be verified on-line, and the property value is below a certain threshold (typically, less than \$1,000). The process includes the expedited issuance of payment.

<sup>4</sup>For example, Massachusetts, which in addition to traditional newspaper advertisements of the name of missing owners, utilizes radio and television advertisements to publicize the state’s return program. Kansas additionally promotes the State’s unclaimed property program through televised public service announcements.

<sup>5</sup> For example, Utah has utilized Facebook, YouTube, Twitter and various discussion boards to connect with potential owners of unclaimed property to encourage them to search their names on the state’s website, [mycash.utah.gov](http://mycash.utah.gov). When an owner personally visits the states’ unclaimed property office and discovers they are entitled to funds, they can have their picture taken while holding an oversized check, which they can then post on their own Facebook page. Sharing these personal stories of recovery of property with their social media friends further promotes the state’s return efforts, and, help to close the “credibility gap” unclaimed property programs face in light of general skepticism that government returning money is simply “too good to be true,” as well as understandable fear of identity theft and related financial scams perpetrated on the public in recent years.

are utilized to ascertain the current whereabouts of lost owners. Other states have gone a step further in seeking to obtain updated owner addresses through data maintained by other state agencies. **Recent actions by unclaimed property programs to leverage address records maintained by state and local government are the focus of this article.**

The address data maintained by some state agencies—such as those administering tax, motor vehicle registration, and job placement—is generally current and accurate<sup>6</sup>. Moreover, the address information that state governments possess is frequently more extensive and complete than that available through commercial databases, which is generally derived from only publicly available, and sometimes dated sources. Accordingly, access to the address records of state agencies offers unclaimed property programs an opportunity to identify the whereabouts of certain lost owners, which could not necessarily be accomplished through other avenues.

Although there has been a recent and dramatic change in state unclaimed property programs utilizing address data maintained by other agencies, traditionally programs have encountered challenges in accessing this data. In some jurisdictions, there were statutory prohibitions against the use of personal information other than for specified purposes, which did not typically include returning unclaimed property. This was particularly true with respect to state tax records, where the potential of abuse through unauthorized access to taxpayer information was clear.<sup>7</sup> For other agencies, risks were less obvious,<sup>8</sup> particularly considering the benefits of reuniting rightful owners with their property. Nonetheless, it has been the experience of some state unclaimed property programs that sister agencies were not readily willing to share address information that they maintained, absent a statutory mandate to do so.

One “workaround” that some unclaimed property programs have used for many years is to perform outreach through the state department of motor vehicles. In those states where license or vehicle registration records are not public, the department of motor vehicles has nonetheless been willing to inform a citizen owed unclaimed property of its existence, contemporaneous with an operator’s license or registration renewal. Under this scenario, the unclaimed property program provides the department of motor vehicles with unclaimed property data; motor vehicles does not provide the unclaimed property program with updated address information; but notification of the owner of unclaimed property nonetheless occurs.

---

<sup>6</sup> Additionally, most state death records are more comprehensive than death records available through the limited access (publicly available) Social Security Administration Death Master File.

<sup>7</sup> Where a state unclaimed property program operated within the tax agency, and data matching could be performed within the agency, there was a greater probability that tax records would be utilized to update addresses of unclaimed property owners. However, such taxing authorities all have established a fire wall between tax operations and unclaimed property. Currently, 11 states (Alaska, Arizona, Delaware, Georgia, Maryland, Michigan, Montana, New Mexico, Texas, Washington, and Wisconsin) operate their unclaimed property programs within the tax agency.

Alaska, which does not have a personal income tax, utilizes the Alaska Permanent Fund database to identify the current whereabouts of missing owners of unclaimed property.

<sup>8</sup> The actual risk would be virtually non-existent, where the agency possessing current address information was permitted to perform the address matching itself, and only provide the unclaimed property program with an owner’s updated address information.

### Historical utilization of other state agency records as authorized by statute

**California.** The California State Controller has, since 1996, been authorized<sup>9</sup> to obtain current addresses of lost owners from the California Franchise Tax Board.<sup>10</sup> Where a social security number is reported along with an owner's property, the State Controller's Office submits the social security number to the Franchise Tax Board, which in turn provides the address of record for the owner.<sup>11</sup> The State Controller then undertakes a notice mailing to the owner's current address. California law additionally permits "notwithstanding any other law" for a state or local government agency to provide information to the Controller "that could reasonably be used to locate an owner of unclaimed property."<sup>12</sup>

**Indiana.** The 2002 revisions to Indiana's unclaimed property law<sup>13</sup> included a provision captioned "cooperation of state and public agencies," which requires that all "officers, agencies, boards, bureaus, commissions, divisions, and departments of the state, including any body politic and corporate created by the state for public purposes, and every political subdivision of the state" extend cooperation to the Indiana Attorney General, as the administrator of the statute.<sup>14</sup> Upon the request of the Attorney General, public entities are to provide assistance so as to "further the purposes of" the unclaimed property law.<sup>15</sup>

**Kansas.** In 1994, the Kansas State Legislature enacted<sup>16</sup> legislation requiring that any "public authority, public corporation, court or public officer of [the] state, or a public subdivision thereof" provide the unclaimed property program with "such information as is necessary for carrying out" the unclaimed property law.<sup>17</sup> Since 2009, the Kansas Department of Revenue has permitted the State's unclaimed property program to match reported owners of property with a social security number to Revenue's database. The Kansas State Treasurer's Office, which administers the unclaimed property program, indicates that the address matching to Revenue's records has been "substantially helpful" in obtaining current addresses for recently-reported unclaimed property. The State Treasurer's Office additionally has access to drivers' license and state identification card records, which allows the unclaimed property program to both identify updated owner addresses and verify information included in owner claim submissions.

**New Jersey.** A 1989 comprehensive overhaul of New Jersey's unclaimed property law<sup>18</sup> included a directive that "governmental entities in this State shall provide the administrator the address and any other identification or information which could reasonably be used to locate the apparent owner of unclaimed property."<sup>19</sup> The legislation provided that information even "if the information or record

---

<sup>9</sup> SB 2014, Chapter 762, Statutes of 1996.

<sup>10</sup> The California Franchise Tax Board collects personal income tax and corporate income tax owed to the State of California. The State Controller is a member of the Franchise Tax Board.

<sup>11</sup> Cal. Code Civ. Pro. § 1531(d).

<sup>12</sup> Cal. Code Civ. Pro. § 1531.5(c).

<sup>13</sup> P.L. 2-2002, Sec. 19.

<sup>14</sup> IC § 32-34-1-47.

<sup>15</sup> IC § 32-34-1-47(1).

<sup>16</sup> L. 1994, ch. 8, § 43.

<sup>17</sup> K.S.A. 58-3976.

<sup>18</sup> L. 1989, c. 58, s. 1.

<sup>19</sup> Codified as N.J. Rev. Stat. § 46:30B-76.3.

requested by the administrator is deemed confidential under any other law or regulation of the State, that information or record shall be furnished to the administrator.”<sup>20</sup>

The New Jersey Department of the Treasury has utilized records of other agencies in various ways. For many years, Treasury has worked with the Division of Taxation’s Local Property Department records to confirm owner addresses. Matches are provided to state legislators, who in turn contact constituents. Following Superstorm Sandy in 2012, Treasury coordinated with the Department of Community Affairs as to citizens who had filed for assistance for property damage or losses. Many of these individuals had become displaced. Through this process, more than 400 unclaimed property claims were submitted and paid.

**Pennsylvania.** Amendments made to Pennsylvania’s unclaimed property law in 2002<sup>21</sup> required that the “head of any department, board, commission, agency or instrumentality of the Commonwealth” make available to the unclaimed property program within the State Treasury “the last known address of individuals listed in the Treasury Department’s records as owners of unclaimed property,” unless otherwise prohibited by law.<sup>22</sup> One manner in which the State Treasury utilizes agency records is through a partnership with the Pennsylvania Department of Transportation, or PennDOT. Treasury is able to access PennDOT’s licensure and other records to validate owner claims. Additionally, because all state disbursements (including tax refunds) are made by the Pennsylvania Treasury, Treasury has an extensive, current database of address records which it draws upon.

### **The Wisconsin Experiment (2015)**

The Wisconsin Department of Revenue assumed management of the state’s unclaimed property program from the State Treasurer in 2013. Revenue had previously performed data matching to unclaimed property records, but for the limited purpose of exercising offsets against owners with income tax delinquencies. Contemporaneous with the transfer of the unclaimed property program, Revenue engaged in discussions with legislators to expand authority beyond the exercise of offsets, and to utilize tax records to both locate lost owners and expedite the return of their unclaimed property.

In 2014, Wisconsin’s unclaimed property law was amended<sup>23</sup> to create an innovative process addressing both obtaining current addresses for lost owners, and the payment of property owed to them. Under the revision, the unclaimed property program annually provides tax operations the names and, where available, the social security numbers of reported owners of unclaimed property.<sup>24</sup> Tax operations advises the unclaimed property program whether the owner had filed an income tax return during the current year and, if so, the address of the owner listed in the return.<sup>25</sup> Where a match is made,<sup>26</sup> the unclaimed property program is required to issue payment<sup>27</sup> to the owner, without the

---

<sup>20</sup> *Id.*

<sup>21</sup> P.L. 614, No. 91.

<sup>22</sup> 72 P.S. § 1301.28a

<sup>23</sup> 2013 Wisconsin Act 308, enacted April 16, 2014.

<sup>24</sup> Wis. Stat. § 177.19(1).

<sup>25</sup> Wis. Stat. § 177.19(2). The statute additionally provides that tax operations is to inform the unclaimed property program if the owner is indebted to the state, or a political subdivision, in which case an offset will be exercised.

<sup>26</sup> The Department of Revenue excludes from matching any tax return where there is suspected or confirmed fraud.

<sup>27</sup> Less any offsets for governmental debts.

requirement of a claim form, where the property has a value of \$2,000 or less.<sup>28</sup> If the owner's entitlement is \$2,000 or more, the unclaimed property program is to mail a claim form to the owner at the updated address.<sup>29</sup>

To facilitate the automated matching of unclaimed property and tax records, the Department of Revenue first undertook a signification systems integration. Following completion in June 2015, data matching was performed. The results of the matching resulted in nearly \$12 million in unclaimed property being distributed directly to 95,670 owners.<sup>30</sup> For the period encompassing the 2016 fiscal year through February 2018, the Wisconsin Department of Revenue has paid out an additional \$10 million to an additional 70,000 owners without any owner being required to initiate a claim.<sup>31</sup>

Wisconsin's unclaimed property law requires newspaper publication of the names of owners entitled to unclaimed property;<sup>32</sup> however, if the state itself can locate the owner and either make payment or initiate a claim, that owner name need not be published. The tax-matching and claims protocols make it possible for Wisconsin to timely locate and pay many lost owners, thus reducing the state's publication expenses.

### **Additional Developments in 2016-18**

Aware of the difficulties that multiple state unclaimed property programs had encountered in securing updated address information from other agencies and recognizing the significant tool that this data would provide in locating lost owners, the National Association of Unclaimed Property Administrators (NAUPA) prepared model legislation authorizing interagency address matching. In conjunction with the drafting of the 2016 Revised Uniform Unclaimed Property Act (the "2016 Revised Act"), NAUPA proposed that the Uniform Law Commission adopt this draft legislation. The Uniform Law Commission was supportive of the states' initiative and approved text "designed to facilitate administrators under this Act accessing information in the possession of other state officials which may help identify and locate owners of unclaimed property."<sup>33</sup> The resulting provision, captioned "Cooperation Among State Officers and Agencies to Locate Apparent Owner," states that

[u]nless prohibited by law of this state other than this Act, on request of the administrator, each officer, agency, board, commission, division, and department of this state, any body politic and corporate created by this state for a public purpose, and each political subdivision of this state shall make its books and records available to the administrator and cooperate with the administrator to determine the current address of an apparent owner of property held by the administrator under this Act.<sup>34</sup>

---

<sup>28</sup> Wis. Stat. § 177.19 (3)(b)(1).

<sup>29</sup> Wis. Stat. § 177.19 (3)(b)(2). Because the identity of the owner has already been verified, the claim form requires minimal additional information from the owner, and once filed, undergoes expedited review and payment.

<sup>30</sup> Erin B. Andrews, Wisconsin Department of Revenue, to Lynden Lyman, March 5, 2018.

<sup>31</sup> *Id.*

<sup>32</sup> Wis. Stat. § 177.18(2m)

<sup>33</sup> 2016 Revised Uniform Unclaimed Property Act, § 504 (comment).

<sup>34</sup> 2016 Revised Uniform Act, § 504.

During the 2017 calendar year, four states—Delaware, Illinois, Tennessee, and Utah—adopted this or a substantially similar provision in conjunction with their respective enactments of versions of the 2016 Revised Act. In 2018, Kentucky additionally adopted the 2016 Revised Act in substantial form, including the provision relating to use of other state agency records. The specifics of address matching legislation enacted by these states is described below. Legislation enacted in 2017 by Rhode Island and 2018 by Louisiana was not based on the 2016 Revised Act but likewise granted the states’ unclaimed property program access to records maintained by other state agencies, is also discussed.

**Delaware.** Legislation taking effect February 2, 2017<sup>35</sup> authorizes, upon request of the unclaimed property program and except as otherwise prohibited by law, for “each officer, agency, board, commission, division, and department of this State; any body politic and corporate created by this State for a public purpose; and each political subdivision of this State” to make records available to the unclaimed property program “to determine the current address of an owner of [unclaimed] property...”<sup>36</sup>

**Illinois.** Legislation<sup>37</sup> taking effect January 1, 2018 requires, upon request of the unclaimed property program and except as otherwise prohibited by law, that “each officer, agency, board, commission, division, and department” of the State of Illinois,” and “any body, politic and corporate, created by [the] state for a public purpose, and each political subdivision... make its books and records available” and cooperate with the unclaimed property program “to determine the current address of an apparent owner of property...”<sup>38</sup> The provision largely mirrors Section 504 of the 2016 Revised Act, but additionally provides that the Illinois unclaimed property program may “enter into data sharing agreements to enable such other governmental agencies to provide an additional notice to apparent owners of property...”<sup>39</sup>

A separate piece of legislation,<sup>40</sup> modeled substantially on Wisconsin’s data-matching legislation, established a comprehensive process for identifying and confirming current owner addresses through the Illinois Department of Revenue, and the automated issuance of payments to owners. Going forward, at least annually the State Treasurer will provide the Department of Revenue with the names of owners of unclaimed property; the Department of Revenue will notify the State Treasurer of those owners who have filed an income tax return, and provide the State Treasurer of the owner’s current address as it appears in the Department of Revenue’s records.<sup>41</sup> Where a matched owner is entitled to \$2,000 or less in unclaimed funds, the State Treasurer may mail payment directly to the owner, without requiring that the owner first complete and file a claim form.<sup>42</sup> If the owner is entitled to unclaimed funds totaling \$2,000 or more, securities, or the contents of a safe deposit box, the State Treasurer is to

---

<sup>35</sup> SB 13.

<sup>36</sup> Del. Code Ann. Tit.12, § 1151.

<sup>37</sup> SB9 Public Act 100-0022

<sup>38</sup> 765 ILCS 1026/15-504.

<sup>39</sup> *Id.*

<sup>40</sup> HB 1808 Public Act 100-0047.

<sup>41</sup> 765 ILCS 1025(b)/19.5(b).

<sup>42</sup> 765 ILCS 1025(d)/19.5(d). The address as provided by the Department of Revenue must be current within the preceding 12 months, and the State Treasurer must have “evidence sufficient to establish” that the owner currently resides at the address. The State Treasurer is authorized to use “additional databases” to confirm “the identity of the person and that the person currently resides at the last known address.”

notify the owner at his or her current address, provide notice of the property and provide instructions for the filing of a claim.<sup>43</sup>

As part of the legislation, the Illinois Income Tax Act was also amended to expressly provide that the Department of Revenue was authorized to exchange information with the State Treasurer's Office for the purpose of administering the Illinois unclaimed property law.<sup>44</sup> The State Treasurer and Department of Revenue are permitted to enter into interagency agreements concerning the protection of confidential information, protocols for data matching, and other issues.<sup>45</sup> An additional amendment<sup>46</sup> directed the Illinois Department of Public Health to provide the Illinois Treasurer with access to any vital records (such as birth and death certificates) "for administration purposes related to the Uniform Disposition of Unclaimed Property Act."<sup>47</sup>

The Illinois Treasurer plans on initiating the matching of unclaimed property records against other state records in June 2018.<sup>48</sup>

**Louisiana.** Legislation taking effect August 15, 2018<sup>49</sup> amends the state's revenue and tax code in authorizing the "sharing or furnishing of names and addresses of taxpayers, upon request of the Department of the Treasury, to be used for the sole purpose of carrying out its unclaimed property function..." The statute prohibits the release of any tax data and requires that "information furnished to the Department of the Treasury shall be considered and held confidential and privileged..."

The Louisiana Department of Treasury initiated project planning discussions for address matching with the Department of Revenue in May 2018, immediately following the legislature's enactment of the law.<sup>50</sup>

**Kentucky.** Legislation taking effect July 9, 2018<sup>51</sup> requires, upon request of the unclaimed property program and except as otherwise prohibited by law, that "each officer, agency, board, commission, division, and department" of the Commonwealth of Kentucky, and "any body, politic and corporate, created by [the] state for a public purpose, and each political subdivision... make its books and records available" and cooperate with the unclaimed property program "to determine the current address of an apparent owner of property..."<sup>52</sup> Kentucky's legislation mirrors the language of the 2016 Revised Act, without any additions or deletions.

**Rhode Island.** Legislation taking effect July 18, 2017<sup>53</sup> authorizes the unclaimed property program to provide the social security number of a lost owner to the Department of Taxation and Department of Labor and Training "for the sole purpose of obtaining the name and current address of rightful property

---

<sup>43</sup> 765 ILCS 1025(e)/19.5(e).

<sup>44</sup> Section 5, Public Act 100-0047, revising 35 ILCS 5(c)/917(c).

<sup>45</sup> Section 10, Public Act 100-0047, codified as 765 ILCS 1025(c)/19.5(c).

<sup>46</sup> Section 10, Public Act 100-543, codified as 410 ILCS 535/24.6.

<sup>47</sup> 410 ILCS 535/24.6.

<sup>48</sup> G. Allen Mayer, General Counsel, Illinois Treasurer, to Lynden Lyman, May 22, 2018.

<sup>49</sup> H.B. 800.

<sup>50</sup> Kathleen Lobell, Louisiana Department of the Treasury, to Tanya Whitlow, Kelmar Associates, May 22, 2018.

<sup>51</sup> H.B. 394.

<sup>52</sup> *Id.*, section 30, to be codified under KRS chapter 393A.

<sup>53</sup> H 5743 Substitute A. Chapter 189.

owner(s)...”<sup>54</sup> The provision supersedes other state laws mandating confidentiality of these agency records, but subjects the unclaimed property program to “the same confidentiality laws that apply to the state departments providing the information.”<sup>55</sup> The Personal Income Tax chapter of Rhode Island General Laws was also revised to authorize the tax administrator to share information with the unclaimed property program.<sup>56</sup>

On November 20, 2017, Rhode Island Treasurer Seth Magaziner announced that through data matching to other state agency records, his office had identified the current whereabouts of more than 35,000 owners of unclaimed property, owed more than \$10 million.<sup>57</sup> The Rhode Island Treasury mailed out checks for unclaimed amounts less than \$2,000, without the requirement of a completed claim form, where it was able to “match an owner to a current address with high certainty.”<sup>58</sup> In the 24-hour period following the announcement of the results of the data matching initiative, the Rhode Island Treasury reported that it had received more than 2,500 new claims filed through its online unclaimed property database.<sup>59</sup>

Similar to the Wisconsin Department of Revenue, the Rhode Island has experienced ongoing benefits from data matching to other state records.<sup>60</sup>

**Tennessee.** Legislation taking effect July 1, 2017<sup>61</sup> requires, upon request of the unclaimed property program and except as otherwise prohibited by law, that “each officer, agency, board, commission, division, and department” of the State of Tennessee,” and “any body, politic and corporate, created by [the] state for a public purpose, and each political subdivision... make its books and records available” and cooperate with the unclaimed property program “to determine the current address of an apparent owner of property...”<sup>62</sup> Tennessee’s legislation mirrors the language of the 2016 Revised Act, without any additions or deletions.

---

<sup>54</sup> R.I. Gen. Laws § 33-21.1-17(f).

<sup>55</sup> *Id.*

<sup>56</sup> 44-30-95(i).

<sup>57</sup> “State treasury sending \$10 million in ‘missing money’ to R.I. residents,” *Providence Journal*, November 20, 2017. As explained by the article, “[t]he treasury has names and social security numbers connected with this unclaimed property, but has often lacked current addresses. The data sharing program allows treasury officials to get those addresses from other agencies, such as the Division of Taxation, state retirement system or Department of Labor and Training.” Through additional data matching later in 2017, Rhode Island made direct payment to additional owners, resulting in a total of \$13.4 million to approximately 36,500 owners. State of Rhode Island General Treasurer Seth Magaziner, *2017 Annual Report*, p.6.

<sup>58</sup> *Id.*

<sup>59</sup> RI.gov, “2,500 Additional Rhode Islanders Find Unclaimed Money Following Announcement of YOUR MONEY Program,” press release dated November 21, 2017.

<sup>60</sup> In a May 18, 2018 press release, the Rhode Island Treasurer stated that an additional 8,000 owners due \$1.3 million had been reunited with their property “automatically,” without the filing of a claim form.

<sup>61</sup> H.B. 420, Public Chapter 457.

<sup>62</sup> Codified as TCA § 66-29-131.

**Utah.** Utah’s version of the 2016 Revised Act, which took effect May 9, 2017,<sup>63</sup> included the modifications made by Illinois with respect to both interagency agreements<sup>64</sup> and a formalized process for leveraging tax records.<sup>65</sup>

As in Illinois, the Utah Treasurer will, pursuant to an interagency agreement, provide the State Tax Commission with the names of owners of unclaimed property; the Tax Commission will notify the State Treasurer of those owners who have filed an income tax return, and provide the State Treasurer of the owner’s current address as it appears in the Department of Revenue’s records.<sup>66</sup> Where a matched owner is entitled to \$2,000 or less in unclaimed funds, the State Treasurer may<sup>67</sup> mail payment directly to the owner, without requiring that the owner first complete and file a claim form.<sup>68</sup> If the owner is entitled to unclaimed funds totaling \$2,000 or more, securities, or the contents of a safe deposit box, the State Treasurer is to notify the owner at his or her current address, provide notice of the property and provide instructions for the filing of a claim.<sup>69</sup>

### **Future Outlook**

A number of jurisdictions are currently considering adoption of a version of the 2016 Revised Uniform Unclaimed Property Act, which includes the “tax-matching” protocols and other enhancements enacted by Illinois. Some states looking to amend their unclaimed property laws in a less comprehensive fashion are likewise interested in implementing the Wisconsin/Illinois model for use of tax records to obtain current owner addresses, and thereafter expedite return of property to owners.

As data breaches continue to be a source of concern, there will remain reluctance in some quarters for the sharing of information between state agencies. However, information sharing between state agencies, as well as between the states and the federal government already occurs and has become essential to government function. Protections can be instituted to prevent the misuse of data provided to state unclaimed property programs, particularly where the program is only seeking to obtain an updated address and no other personal identifying information.

Given the focus of state unclaimed property programs to return as much property as possible and to continue to surpass prior return results, it is likely that the states will find ways to strike a balance between data security concerns and maximizing claim payments to lost owners. Additionally, as unclaimed property programs gain access to more current, reliable data, they will be better positioned to process owner returns in an efficient, streamlined manner. The public interest would be served through greater unclaimed property program access to other state agency data.

---

<sup>63</sup> SB 175S01.

<sup>64</sup> Utah Code § 67-4a-504(2).

<sup>65</sup> Utah Code § 67-4a-503(6).

<sup>66</sup> *Id.*

<sup>67</sup> S.B. 156, signed into law March 26, 2018, mandated that the State Treasurer issue payment on a “matched” claim with a value or \$2,000 less, and clarified the nature of the interagency agreement between the State Treasurer and Tax Commission.

<sup>68</sup> Utah Code § 67-4a-503(7).

<sup>69</sup> *Id.*