



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2853

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

765 ILCS 1026/15-201
765 ILCS 1026/15-210
765 ILCS 1026/15-503
765 ILCS 1026/15-603
765 ILCS 1026/15-1002
765 ILCS 1026/15-1002.1
765 ILCS 1026/15-1004
765 ILCS 1026/15-1401
765 ILCS 1026/15-1402

Amends the Revised Uniform Unclaimed Property Act. Makes changes concerning the time and circumstances under which financial organization deposits are presumed abandoned. Provides that compensation held on a payroll card is reportable one year after the date of the last indication of interest in the property by the apparent owner, except if the payroll card becomes a demand deposit, then 3 years after the date of the last indication of interest in the property by the apparent owner. Provides that the administrator does not need to notify the Department of Revenue of the names or social security numbers of apparent owners of abandoned property if he or she reasonably believes that the Department of Revenue will be unable to provide information that would provide sufficient evidence to establish that the person in the Department of Revenue's records is the apparent owner of unclaimed property in the custody of the administrator. Provides that the State Treasurer shall examine a financial organization in compliance with the visitation standards established in the National Bank Act or the Federal Credit Union Act, if applicable. Provides that records obtained in examinations of State-regulated financial organizations are subject to the same provisions concerning use and confidentiality as records obtained in examinations of other persons. Makes other changes. Effective immediately.

LRB101 08232 LNS 53298 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Revised Uniform Unclaimed Property Act is
5 amended by changing Sections 15-201, 15-210, 15-503, 15-603,
6 15-1002, 15-1002.1, 15-1004, 15-1401, and 15-1402 as follows:

7 (765 ILCS 1026/15-201)

8 Sec. 15-201. When property presumed abandoned. Subject to
9 Section 15-210, the following property is presumed abandoned if
10 it is unclaimed by the apparent owner during the period
11 specified below:

12 (1) a traveler's check, 15 years after issuance;

13 (2) a money order, 3 ~~7~~ years after issuance;

14 (3) any instrument on which a financial organization or
15 business association is directly liable, 3 years after
16 issuance;

17 (4) a state or municipal bond, bearer bond, or
18 original-issue-discount bond, 3 years after the earliest
19 of the date the bond matures or is called or the obligation
20 to pay the principal of the bond arises;

21 (5) a debt of a business association, 3 years after the
22 obligation to pay arises;

23 (6) financial organization deposits as follows:

1 (i) a demand deposit, 3 years after the date of the
2 last indication of interest in the property by the
3 apparent owner;

4 (ii) a savings deposit, 3 years after the date of
5 the last indication of interest in the property by the
6 apparent owner;

7 (iii) a time deposit for which the owner has not
8 consented to automatic renewal of the time deposit, 3
9 years after the date of the last indication of interest
10 in the property by the apparent owner;

11 (iv) an automatically renewable time deposit for
12 which the owner consented to the automatic renewal in a
13 record on file with the holder, 3 years after the date
14 of the last indication of interest in the property by
15 the apparent owner following the completion of the
16 initial term of the time deposit and one automatic
17 renewal term of the time deposit ~~a demand, savings, or~~
18 ~~time deposit, 3 years after the later of maturity or~~
19 ~~the date of the last indication of interest in the~~
20 ~~property by the apparent owner, except for a deposit~~
21 ~~that is automatically renewable, 3 years after its~~
22 ~~initial date of maturity unless the apparent owner~~
23 ~~consented in a record on file with the holder to~~
24 ~~renewal at or about the time of the renewal;~~

25 (7) money or a credit owed to a customer as a result of
26 a retail business transaction, other than in-store credit

1 for returned merchandise, 3 years after the obligation
2 arose;

3 (8) an amount owed by an insurance company on a life or
4 endowment insurance policy or an annuity contract that has
5 matured or terminated, 3 years after the obligation to pay
6 arose under the terms of the policy or contract or, if a
7 policy or contract for which an amount is owed on proof of
8 death has not matured by proof of the death of the insured
9 or annuitant, as follows:

10 (A) with respect to an amount owed on a life or
11 endowment insurance policy, the earlier of:

12 (i) 3 years after the death of the insured; or

13 (ii) 2 years after the insured has attained, or
14 would have attained if living, the limiting age
15 under the mortality table on which the reserve for
16 the policy is based; and

17 (B) with respect to an amount owed on an annuity
18 contract, 3 years after the death of the annuitant.

19 (9) funds on deposit or held in trust pursuant to the
20 Illinois Funeral or Burial Funds Act, the earliest of:

21 (A) 2 years after the date of death of the
22 beneficiary;

23 (B) one year after the date the beneficiary has
24 attained, or would have attained if living, the age of
25 105 where the holder does not know whether the
26 beneficiary is deceased;

1 (C) 40 years after the contract for prepayment was
2 executed;

3 (10) property distributable by a business association
4 in the course of dissolution or distributions from the
5 termination of a retirement plan, one year after the
6 property becomes distributable;

7 (11) property held by a court, including property
8 received as proceeds of a class action, 3 years after the
9 property becomes distributable;

10 (12) property held by a government or governmental
11 subdivision, agency, or instrumentality, including
12 municipal bond interest and unredeemed principal under the
13 administration of a paying agent or indenture trustee, 3
14 years after the property becomes distributable;

15 (13) wages, commissions, bonuses, or reimbursements to
16 which an employee is entitled, or other compensation for
17 personal services: ~~, including amounts held on a payroll~~
18 ~~card, one year after the amount becomes payable;~~

19 (A) not held on a payroll card, one year after the
20 amount becomes payable; or

21 (B) held on a payroll card, one year after the date
22 of the last indication of interest in the property by
23 the apparent owner, unless the payroll card becomes a
24 demand deposit and is no longer a payroll card account
25 as defined in Regulation E, 12 CFR Part 1005, as
26 amended, then 3 years after the date of the last

1 indication of interest in the property by the apparent
2 owner;

3 (14) a deposit or refund owed to a subscriber by a
4 utility, one year after the deposit or refund becomes
5 payable, except that any capital credits or patronage
6 capital retired, returned, refunded or tendered to a member
7 of an electric cooperative, as defined in Section 3.4 of
8 the Electric Supplier Act, or a telephone or
9 telecommunications cooperative, as defined in Section
10 13-212 of the Public Utilities Act, that has remained
11 unclaimed by the person appearing on the records of the
12 entitled cooperative for more than 2 years, shall not be
13 subject to, or governed by, any other provisions of this
14 Act, but rather shall be used by the cooperative for the
15 benefit of the general membership of the cooperative; and

16 (15) property not specified in this Section or Sections
17 15-202 through 15-208, the earlier of 3 years after the
18 owner first has a right to demand the property or the
19 obligation to pay or distribute the property arises.

20 Notwithstanding anything to the contrary in this Section
21 15-201, and subject to Section 15-210, a deceased owner cannot
22 indicate interest in his or her property. If the owner is
23 deceased and the abandonment period for the owner's property
24 specified in this Section 15-201 is greater than 2 years, then
25 the property, other than an amount owed by an insurance company
26 on a life or endowment insurance policy or an annuity contract

1 that has matured or terminated, shall instead be presumed
2 abandoned 2 years from the date of the owner's last indication
3 of interest in the property.

4 (Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18.)

5 (765 ILCS 1026/15-210)

6 Sec. 15-210. Indication of apparent owner interest in
7 property.

8 (a) The period after which property is presumed abandoned
9 is measured from the later of:

10 (1) the date the property is presumed abandoned under
11 this Article; or

12 (2) the latest indication of interest by the apparent
13 owner in the property.

14 (b) Under this Act, an indication of an apparent owner's
15 interest in property includes:

16 (1) a record communicated by the apparent owner to the
17 holder or agent of the holder concerning the property or
18 the account in which the property is held;

19 (2) an oral communication by the apparent owner to the
20 holder or agent of the holder concerning the property or
21 the account in which the property is held, if the holder or
22 its agent contemporaneously makes and preserves a record of
23 the fact of the apparent owner's communication;

24 (3) presentment of a check or other instrument of
25 payment of a dividend, interest payment, or other

1 distribution, or evidence of receipt of a distribution made
2 by electronic or similar means, with respect to an account,
3 underlying security, or interest in a business
4 association;

5 (4) activity directed by an apparent owner in the
6 account in which the property is held, including accessing
7 the account or information concerning the account, or a
8 direction by the apparent owner to increase, decrease, or
9 otherwise change the amount or type of property held in the
10 account;

11 (5) a deposit into or withdrawal from an account at a
12 financial organization, except for a recurring Automated
13 Clearing House (ACH) debit or credit previously authorized
14 by the apparent owner or an automatic reinvestment of
15 dividends or interest; and

16 (6) subject to subsection (e), payment of a premium on
17 an insurance policy.

18 (c) An action by an agent or other representative of an
19 apparent owner, other than the holder acting as the apparent
20 owner's agent, is presumed to be an action on behalf of the
21 apparent owner.

22 (d) A communication with an apparent owner by a person
23 other than the holder or the holder's representative is not an
24 indication of interest in the property by the apparent owner
25 unless a record of the communication evidences the apparent
26 owner's knowledge of a right to the property.

1 (e) If the insured dies or the insured or beneficiary of an
2 insurance policy otherwise becomes entitled to the proceeds
3 before depletion of the cash surrender value of the policy by
4 operation of an automatic-premium-loan provision or other
5 nonforfeiture provision contained in the policy, the operation
6 does not prevent the policy from maturing or terminating.

7 (f) If the apparent owner has another property with the
8 holder to which Section 201(6) applies, then activity directed
9 by an apparent owner in any other accounts, including loan
10 accounts, at a financial organization holding an inactive
11 account of the apparent owner shall be an indication of
12 interest in all such accounts if:

13 (A) the apparent owner engages in one or more of
14 the following activities:

15 (i) the apparent owner undertakes one or more
16 of the actions described in subsection (b) of this
17 Section regarding any of the other accounts the
18 apparent owner has with the financial organization
19 ~~account that appears on a consolidated statement~~
20 ~~with the inactive account;~~

21 (ii) the apparent owner increases or decreases
22 the amount of funds in any other account the
23 apparent owner has with the financial
24 organization; or

25 (iii) the apparent owner engages in any other
26 relationship with the financial organization,

1 including payment of any amounts due on a loan; and
2 (B) the foregoing apply so long as the mailing
3 address for the apparent owner in the financial
4 organization's books and records is the same for both
5 the inactive account and the active account.

6 (Source: P.A. 100-22, eff. 1-1-18.)

7 (765 ILCS 1026/15-503)

8 Sec. 15-503. Notice by administrator.

9 (a) The administrator shall give notice to an apparent
10 owner that property presumed abandoned and appears to be owned
11 by the apparent owner is held by the administrator under this
12 Act.

13 (b) In providing notice under subsection (a), the
14 administrator shall:

15 (1) except as otherwise provided in paragraph (2), send
16 written notice by first-class United States mail to each
17 apparent owner of property valued at \$100 or more held by
18 the administrator, unless the administrator determines
19 that a mailing by first-class United States mail would not
20 be received by the apparent owner, and, in the case of a
21 security held in an account for which the apparent owner
22 had consented to receiving electronic mail from the holder,
23 send notice by electronic mail if the electronic-mail
24 address of the apparent owner is known to the administrator
25 instead of by first-class United States mail; or

1 (2) send the notice to the apparent owner's
2 electronic-mail address if the administrator does not have
3 a valid United States mail address for an apparent owner,
4 but has an electronic-mail address that the administrator
5 does not know to be invalid.

6 (c) In addition to the notice under subsection (b), the
7 administrator shall:

8 (1) publish every 6 months in at least one English
9 language newspaper of general circulation in each county in
10 this State notice of property held by the administrator
11 which must include:

12 (A) the total value of property received by the
13 administrator during the preceding 6-month period,
14 taken from the reports under Section 15-401;

15 (B) the total value of claims paid by the
16 administrator during the preceding 6-month period;

17 (C) the Internet web address of the unclaimed
18 property website maintained by the administrator;

19 (D) an ~~a telephone number~~ and electronic-mail
20 address to contact the administrator to inquire about
21 or claim property; and

22 (E) a statement that a person may access the
23 Internet by a computer to search for unclaimed property
24 and a computer may be available as a service to the
25 public at a local public library.

26 (2) The administrator shall maintain a website

1 accessible by the public and electronically searchable
2 which contains the names reported to the administrator of
3 apparent owners for whom property is being held by the
4 administrator. The administrator need not list property on
5 such website when: no owner name was reported, a claim has
6 been initiated or is pending for the property, the
7 administrator has made direct contact with the apparent
8 owner of the property, and in other instances where the
9 administrator reasonably believes exclusion of the
10 property is in the best interests of both the State and the
11 owner of the property.

12 (d) The website or database maintained under subsection
13 (c) (2) must include instructions for filing with the
14 administrator a claim to property and an online claim form with
15 instructions. The website may also provide a printable claim
16 form with instructions for its use.

17 (e) Tax return identification of apparent owners of
18 abandoned property.

19 (1) At least annually the administrator shall notify
20 the Department of Revenue of the names of persons appearing
21 to be owners of abandoned property under this Section. The
22 administrator shall also provide to the Department of
23 Revenue the social security numbers of the persons, if
24 available. The administrator does not need to notify the
25 Department of Revenue of the names or social security
26 numbers of apparent owners of abandoned property if he or

1 she reasonably believes that the Department of Revenue will
2 be unable to provide information that would provide
3 sufficient evidence to establish that the person in the
4 Department of Revenue's records is the apparent owner of
5 unclaimed property in the custody of the administrator.

6 (2) The Department of Revenue shall notify the
7 administrator if any person under subsection (e)(1) has
8 filed an Illinois income tax return and shall provide the
9 administrator with the last known address of the person as
10 it appears in Department of Revenue records, except as
11 prohibited by federal law. The Department of Revenue may
12 also provide additional addresses for the same taxpayer
13 from the records of the Department, except as prohibited by
14 federal law.

15 (3) In order to facilitate the return of property under
16 this subsection, the administrator and the Department of
17 Revenue may enter into an interagency agreement concerning
18 protection of confidential information, data match rules,
19 and other issues.

20 (4) The administrator may deliver, as provided under
21 Section 15-904 of this Act, property or pay the amount
22 owing to a person matched under this Section without the
23 person filing a claim under Section 15-903 of this Act if
24 the following conditions are met:

25 (A) the value of the property that is owed the
26 person is \$2,000 or less;

1 (B) the property is not either tangible property or
2 securities;

3 (C) the last known address for the person according
4 to the Department of Revenue records is less than 12
5 months old; and

6 (D) the administrator has evidence sufficient to
7 establish that the person who appears in Department of
8 Revenue records is the owner of the property and the
9 owner currently resides at the last known address from
10 the Department of Revenue.

11 (5) If the value of the property that is owed the
12 person is greater than \$2,000, or is tangible property or
13 securities the administrator shall provide notice to the
14 person, informing the person that he or she is the owner of
15 abandoned property held by the State and may file a claim
16 with the administrator for return of the property.

17 (f) The administrator may use additional databases to
18 verify the identity of the person and that the person currently
19 resides at the last known address. The administrator may
20 utilize publicly and commercially available databases to find
21 and update or add information for apparent owners of property
22 held by the administrator.

23 (g) In addition to giving notice under subsection (b),
24 publishing the information under subsection (c)(1) and
25 maintaining the website or database under subsection (c)(2),
26 the administrator may use other printed publication,

1 telecommunication, the Internet, or other media to inform the
2 public of the existence of unclaimed property held by the
3 administrator.

4 (Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18.)

5 (765 ILCS 1026/15-603)

6 Sec. 15-603. Payment or delivery of property to
7 administrator.

8 (a) Except as otherwise provided in this Section, on filing
9 a report under Section 15-401, the holder shall pay or deliver
10 to the administrator the property described in the report.

11 (b) If property in a report under Section 15-401 is an
12 automatically renewable time deposit and a penalty or
13 forfeiture in the payment of interest would result from paying
14 the deposit to the administrator at the time of the report, the
15 date for reporting and delivering ~~payment of~~ the property to
16 the administrator is extended until a penalty or forfeiture no
17 longer would result from payment, if the holder informs the
18 administrator of the extended date. The holder shall report and
19 deliver the property no later than the next regular date
20 prescribed for reporting under this Act for the holder.

21 (c) Tangible property in a safe-deposit box may not be
22 delivered to the administrator until a mutually agreed upon
23 date that is no sooner than 60 days after filing the report
24 under Section 15-401.

25 (d) If property reported to the administrator under Section

1 15-401 is a security, the administrator may:

2 (1) make an endorsement, instruction, or entitlement
3 order on behalf of the apparent owner to invoke the duty of
4 the issuer, its transfer agent, or the securities
5 intermediary to transfer the security; or

6 (2) dispose of the security under Section 15-702.

7 (e) If the holder of property reported to the administrator
8 under Section 15-401 is the issuer of a certificated security,
9 the administrator may obtain a replacement certificate in
10 physical or book-entry form under Section 8-405 of the Uniform
11 Commercial Code. An indemnity bond is not required.

12 (f) The administrator shall establish procedures for the
13 registration, issuance, method of delivery, transfer, and
14 maintenance of securities delivered to the administrator by a
15 holder.

16 (g) An issuer, holder, and transfer agent or other person
17 acting in good faith under this Section under instructions of
18 and on behalf of the issuer or holder is not liable to the
19 apparent owner for a claim arising with respect to property
20 after the property has been delivered to the administrator.

21 (h) A holder is not required to deliver to the
22 administrator a security identified by the holder as a
23 non-freely transferable security in a report filed under
24 Section 15-401. If the administrator or holder determines that
25 a security is no longer a non-freely transferable security, the
26 holder shall report and deliver the security on the next

1 regular date prescribed for delivery of securities under this
2 Act for the holder. The holder shall make a determination
3 annually whether a security identified in a report filed under
4 Section 15-401 as a non-freely transferable security is no
5 longer a non-freely transferable security.

6 (Source: P.A. 100-22, eff. 1-1-18.)

7 (765 ILCS 1026/15-1002)

8 Sec. 15-1002. Examination of records to determine
9 compliance.

10 (a) The administrator, at reasonable times and on
11 reasonable notice, may:

12 (1) examine the records of any person to determine
13 whether the person has complied with this Act even if the
14 person believes it is not in possession of any property
15 that must be reported, paid, or delivered under this Act;

16 (2) issue an administrative subpoena requiring the
17 person or agent of the person to make records available for
18 examination; and

19 (3) bring an action seeking judicial enforcement of the
20 subpoena.

21 (b) Notwithstanding subsection (a) of this Section, if the
22 provisions of subsection (b) of Section 484 of the National
23 Bank Act (12 U.S.C. 484(b)) or Section 106 of the Federal
24 Credit Union Act (12 U.S.C. 1756) apply to a financial
25 organization, then the administrator may only initiate an

1 examination of the financial organization pursuant to the
2 visitation standard of the applicable federal law.

3 (Source: P.A. 100-22, eff. 1-1-18.)

4 (765 ILCS 1026/15-1002.1)

5 Sec. 15-1002.1. Examination of State-regulated financial
6 organizations.

7 (a) Notwithstanding Section 15-1002 of this Act, for any
8 financial organization for which the Department of Financial
9 and Professional Regulation is the primary prudential
10 regulator, the administrator shall not examine such financial
11 institution unless the administrator has consulted with the
12 Secretary of Financial and Professional Regulation and the
13 Department of Financial and Professional Regulation has not
14 examined such financial organization for compliance with this
15 Act within the past 5 years. The Secretary of Financial and
16 Professional Regulation may waive in writing the provisions of
17 this subsection (a) in order to permit the administrator to
18 examine a financial organization or group of financial
19 organizations for compliance with this Act.

20 (b) Nothing in this Section shall be construed to prohibit
21 the administrator from examining a financial organization for
22 which the Department of Financial and Professional Regulation
23 is not the primary prudential regulator. Further, nothing in ~~is~~
24 this Act shall be construed to limit the authority of the
25 Department of Financial and Professional Regulation to examine

1 financial organizations.

2 (Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18;
3 revised 10-4-18.)

4 (765 ILCS 1026/15-1004)

5 Sec. 15-1004. Records obtained in examination. Records
6 obtained and records, including work papers, compiled by the
7 administrator or administrator's agent in the course of
8 conducting an examination under Section 15-1002 or Section
9 15-1002.1:

10 (1) are subject to the confidentiality and security
11 provisions of Article 14 and are exempt from disclosure
12 under the Freedom of Information Act;

13 (2) may be used by the administrator in an action to
14 collect property or otherwise enforce this Act;

15 (3) may be used in a joint examination conducted with
16 another state, the United States, a foreign country or
17 subordinate unit of a foreign country, or any other
18 governmental entity if the governmental entity conducting
19 the examination is legally bound to maintain the
20 confidentiality and security of information obtained from
21 a person subject to examination in a manner substantially
22 equivalent to Article 14;

23 (4) may be disclosed, on request, to the person that
24 administers the unclaimed property law of another state for
25 that state's use in circumstances equivalent to

1 circumstances described in this Article, if the other state
2 is required to maintain the confidentiality and security of
3 information obtained in a manner substantially equivalent
4 to Article 14;

5 (5) must be produced by the administrator under an
6 administrative or judicial subpoena or administrative or
7 court order; and

8 (6) must be produced by the administrator on request of
9 the person subject to the examination in an administrative
10 or judicial proceeding relating to the property.

11 (Source: P.A. 100-22, eff. 1-1-18.)

12 (765 ILCS 1026/15-1401)

13 Sec. 15-1401. Confidential information.

14 (a) Except as otherwise provided in this Section,
15 information that is confidential under law of this State other
16 than this Act, another state, or the United States, including
17 "private information" as defined in the Freedom of Information
18 Act and "personal information" as defined in the Personal
19 Information Protection Act, continues to be confidential when
20 disclosed or delivered under this Act to the administrator or
21 administrator's agent.

22 (b) Information provided in reports filed pursuant to
23 Section 15-401, information obtained in the course of an
24 examination pursuant to Section 15-1002 or Section 15-1002.1,
25 and the database required by Section 15-503 is exempt from

1 disclosure under the Freedom of Information Act.

2 (c) If reasonably necessary to enforce or implement this
3 Act, the administrator or the administrator's agent may
4 disclose confidential information concerning property held by
5 the administrator or the administrator's agent to:

6 (1) an apparent owner or the apparent owner's
7 representative under the Probate Act of 1975, attorney,
8 other legal representative, or relative;

9 (2) the representative under the Probate Act of 1975,
10 other legal representative, relative of a deceased
11 apparent owner, or a person entitled to inherit from the
12 deceased apparent owner;

13 (3) another department or agency of this State or the
14 United States;

15 (4) the person that administers the unclaimed property
16 law of another state, if the other state accords
17 substantially reciprocal privileges to the administrator
18 of this State if the other state is required to maintain
19 the confidentiality and security of information obtained
20 in a manner substantially equivalent to Article 14;

21 (5) a person subject to an examination as required by
22 Section 15-1004; and

23 (6) an agent of the administrator.

24 (d) The administrator may include on the website or in the
25 database the names and addresses of apparent owners of property
26 held by the administrator as provided in Section 15-503. The

1 administrator may include in published notices, printed
2 publications, telecommunications, the Internet, or other media
3 and on the website or in the database additional information
4 concerning the apparent owner's property if the administrator
5 believes the information will assist in identifying and
6 returning property to the owner and does not disclose personal
7 information as defined in the Personal Information Protection
8 Act.

9 (e) The administrator and the administrator's agent may not
10 use confidential information provided to them or in their
11 possession except as expressly authorized by this Act or
12 required by law other than this Act.

13 (Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18.)

14 (765 ILCS 1026/15-1402)

15 Sec. 15-1402. Confidentiality agreement. A person to be
16 examined under Section 15-1002 or Section 15-1002.1 may
17 require, as a condition of disclosure of the records of the
18 person to be examined, that the administrator or the
19 administrator's agent execute and deliver to the person to be
20 examined a confidentiality agreement that:

21 (1) is in a form that is reasonably satisfactory to the
22 administrator; and

23 (2) requires the person having access to the records to
24 comply with the provisions of this Article applicable to
25 the person.

1 (Source: P.A. 100-22, eff. 1-1-18.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.