



Rep. Stephanie A. Kifowit

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10200HB4278ham001

LRB102 22229 LNS 35818 a

1 AMENDMENT TO HOUSE BILL 4278

2 AMENDMENT NO. _____. Amend House Bill 4278 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Revised Uniform Unclaimed Property Act is
5 amended by changing Sections 15-503, 15-903, and 15-904 as
6 follows:

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),
16 send written notice by first-class United States mail to

1 each apparent owner of property valued at \$100 or more
2 held by the administrator, unless the administrator
3 determines that a mailing by first-class United States
4 mail would not be received by the apparent owner, and, in
5 the case of a security held in an account for which the
6 apparent owner had consented to receiving electronic mail
7 from the holder, send notice by electronic mail if the
8 electronic-mail address of the apparent owner is known to
9 the administrator instead of by first-class United States
10 mail; or

11 (2) send the notice to the apparent owner's
12 electronic-mail address if the administrator does not have
13 a valid United States mail address for an apparent owner,
14 but has an electronic-mail address that the administrator
15 does not know to be invalid.

16 (c) In addition to the notice under subsection (b), the
17 administrator shall:

18 (1) publish every 6 months in at least one English
19 language newspaper of general circulation in each county
20 in this State notice of property held by the administrator
21 which must include:

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

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

1 (C) the Internet web address of the unclaimed
2 property website maintained by the administrator;

3 (D) an electronic-mail address to contact the
4 administrator to inquire about or claim property; and

5 (E) a statement that a person may access the
6 Internet by a computer to search for unclaimed
7 property and a computer may be available as a service
8 to the public at a local public library.

9 (2) The administrator shall maintain a website
10 accessible by the public and electronically searchable
11 which contains the names reported to the administrator of
12 apparent owners for whom property is being held by the
13 administrator. The administrator need not list property on
14 such website when: no owner name was reported, a claim has
15 been initiated or is pending for the property, the
16 administrator has made direct contact with the apparent
17 owner of the property, and in other instances where the
18 administrator reasonably believes exclusion of the
19 property is in the best interests of both the State and the
20 owner of the property.

21 (d) The website or database maintained under subsection
22 (c)(2) must include instructions for filing with the
23 administrator a claim to property and an online claim form
24 with instructions. The website may also provide a printable
25 claim form with instructions for its use.

26 (e) Tax return identification of apparent owners of

1 abandoned property.

2 (1) At least annually the administrator shall notify
3 the Department of Revenue of the names of persons
4 appearing to be owners of abandoned property under this
5 Section. The administrator shall also provide to the
6 Department of Revenue the social security numbers of the
7 persons, if available.

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

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

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

1 (A) the value of the property that is owed the
2 person is \$5,000 ~~\$2,000~~ or less;

3 (B) the property is not either tangible property
4 or securities;

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

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

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

20 (6) The administrator does not need to notify the
21 Department of Revenue of the names or social security
22 numbers of apparent owners of abandoned property if the
23 administrator reasonably believes that the Department of
24 Revenue will be unable to provide information that would
25 provide sufficient evidence to establish that the person
26 in the Department of Revenue's records is the apparent

1 owner of unclaimed property in the custody of the
2 administrator.

3 (f) The administrator may use additional databases to
4 verify the identity of the person and that the person
5 currently resides at the last known address. The administrator
6 may utilize publicly and commercially available databases to
7 find and update or add information for apparent owners of
8 property held by the administrator.

9 (g) In addition to giving notice under subsection (b),
10 publishing the information under subsection (c)(1) and
11 maintaining the website or database under subsection (c)(2),
12 the administrator may use other printed publication,
13 telecommunication, the Internet, or other media to inform the
14 public of the existence of unclaimed property held by the
15 administrator.

16 (h) Identification of apparent owners of abandoned
17 property using other State databases.

18 (1) The administrator may enter into interagency
19 agreements with the Secretary of State and the Illinois
20 State Board of Elections to identify persons appearing to
21 be owners of abandoned property with databases under the
22 control of the Secretary of State and the Illinois State
23 Board of Elections. Such interagency agreements shall
24 include protection of confidential information, data match
25 rules, and other necessary and proper issues.

26 (2) Except as prohibited by federal law, after January

1 1, 2022 the administrator may provide the Secretary of
2 State with names and other identifying information of
3 persons appearing to be owners of abandoned property. The
4 Secretary of State may provide the administrator with the
5 last known address as it appears in its respective records
6 of any person reasonably believed to be the apparent owner
7 of abandoned property.

8 (3) The Illinois State Board of Elections shall, upon
9 request, annually provide the administrator with
10 electronic data or compilations of voter registration
11 information. The administrator may use such electronic
12 data or compilations of voter registration information to
13 identify persons appearing to be owners of abandoned
14 property.

15 (4) The administrator may deliver, as provided under
16 Section 15-904, property or pay the amount owing to a
17 person matched under this Section without the person
18 filing a claim under Section 15-903 if:

19 (i) the value of the property that is owed the
20 person is \$5,000 ~~\$2,000~~ or less;

21 (ii) the property is not either tangible property
22 or securities;

23 (iii) the last known address for the person
24 according to the records of the Secretary of State or
25 Illinois State Board of Elections is less than 12
26 months old; and

1 (iv) the administrator has evidence sufficient to
2 establish that the person who appears in the records
3 of the Secretary of State or Illinois State Board of
4 Elections is the owner of the property and the owner
5 currently resides at the last known address from the
6 Secretary of State or the Illinois State Board of
7 Elections.

8 (Source: P.A. 102-288, eff. 8-6-21.)

9 (765 ILCS 1026/15-903)

10 Sec. 15-903. Claim for property by person claiming to be
11 owner.

12 (a) A person claiming to be the owner of property held
13 under this Act by the administrator or to the proceeds from the
14 sale thereof may file a claim for the property on a form
15 prescribed by the administrator. The claimant must verify the
16 claim as to its completeness and accuracy.

17 (b) The administrator may waive the requirement in
18 subsection (a) and may pay or deliver property directly to a
19 person if:

20 (1) the person receiving the property or payment is
21 shown to be the apparent owner included on a report filed
22 under Section 15-401;

23 (2) the administrator reasonably believes the person
24 is entitled to receive the property or payment; and

25 (3) the property has a value of less than \$2,000 ~~\$500~~.

1 (c) The administrator may change the maximum value in
2 subsection (b) by administrative rule.

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

4 (765 ILCS 1026/15-904)

5 Sec. 15-904. When administrator must honor claim for
6 property.

7 (a) The administrator shall pay or deliver property to a
8 claimant under subsection (a) of Section 15-903 if the
9 administrator receives evidence sufficient to establish to the
10 satisfaction of the administrator that the claimant is the
11 owner of the property.

12 (b) A claim will be considered complete when a claimant
13 has provided all the information and documentation requested
14 by the administrator as necessary to establish legal ownership
15 and such information or documentation is entered into the
16 administrator's unclaimed property system. Unless extended for
17 reasonable cause, not later than 90 days after a claim is
18 complete the administrator shall allow or deny the claim and
19 give the claimant notice in a record of the decision. If a
20 claimant fails to provide all the information and
21 documentation requested by the administrator as necessary to
22 establish legal ownership of the property and the claim is
23 inactive for at least 90 days, then the administrator may
24 close the claim without issuing a final decision. However, if
25 the claimant makes a request in writing for a final decision

1 prior to the administrator's closing of the claim, the
2 administrator shall issue a final decision.

3 (b-5) An heir or agent who files an unclaimed property
4 claim in which the decedent's property does not exceed \$250
5 ~~\$100~~ may submit an affidavit attesting to the heir's or
6 agent's capacity to claim in lieu of submitting a certified
7 copy of the will to verify a claim. The affidavit shall be
8 accompanied by a copy of other documentary proof that the
9 administrator requests, except the administrator shall not
10 require that the affidavit be accompanied by a copy of the
11 decedent's death certificate if other evidence of the death of
12 the owner is available. The administrator may change the
13 maximum value in this subsection by administrative rule.

14 (c) If the claim is denied or there is insufficient
15 evidence to allow the claim under subsection (b):

16 (1) the administrator shall inform the claimant of the
17 reason for the denial and may specify what additional
18 evidence, if any, is required for the claim to be allowed;

19 (2) the claimant may file an amended claim with the
20 administrator or commence an action under Section 15-906;
21 and

22 (3) the administrator shall consider an amended claim
23 filed under paragraph (2) as an initial claim.

24 (Source: P.A. 100-22, eff. 1-1-18; 101-342, eff. 8-9-19.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".