



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3174

Introduced 1/12/2022, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

765 ILCS 1026/15-503
765 ILCS 1026/15-903
765 ILCS 1026/15-904

Amends the Revised Uniform Unclaimed Property Act. Allows the administrator to deliver property or pay the amount owing to a person without the person filing a claim if the value of the property that is owed the person is \$5,000 (rather than \$2,000) or less. Allows the administrator to waive a specific requirement and pay or deliver property directly to a person if the property has a value of less than \$2,000 (rather than \$500). Allows an heir or agent who files an unclaimed property claim in which the decedent's property does not exceed \$250 (rather than \$100) to submit an affidavit attesting to the heir's or agent's capacity to claim in lieu of submitting a certified copy of the will to verify a claim. Provides that an affidavit is not required to include a copy of the decedent's death certificate if other evidence of the death of the owner is available. Makes conforming changes. Effective immediately.

LRB102 24006 LNS 33215 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 15-503, 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
17 each apparent owner of property valued at \$100 or more
18 held by the administrator, unless the administrator
19 determines that a mailing by first-class United States
20 mail would not be received by the apparent owner, and, in
21 the case of a security held in an account for which the
22 apparent owner had consented to receiving electronic mail
23 from the holder, send notice by electronic mail if the

1 electronic-mail address of the apparent owner is known to
2 the administrator instead of by first-class United States
3 mail; or

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

9 (c) In addition to the notice under subsection (b), the
10 administrator shall:

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

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

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

20 (C) the Internet web address of the unclaimed
21 property website maintained by the administrator;

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

24 (E) a statement that a person may access the
25 Internet by a computer to search for unclaimed
26 property and a computer may be available as a service

1 to the public at a local public library.

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

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

19 (e) Tax return identification of apparent owners of
20 abandoned property.

21 (1) At least annually the administrator shall notify
22 the Department of Revenue of the names of persons
23 appearing to be owners of abandoned property under this
24 Section. The administrator shall also provide to the
25 Department of Revenue the social security numbers of the
26 persons, if available.

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

10 (3) In order to facilitate the return of property
11 under this subsection, the administrator and the
12 Department of Revenue may enter into an interagency
13 agreement concerning protection of confidential
14 information, data match rules, and other issues.

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

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

22 (B) the property is not either tangible property
23 or securities;

24 (C) the last known address for the person
25 according to the Department of Revenue records is less
26 than 12 months old; and

1 (D) the administrator has evidence sufficient to
2 establish that the person who appears in Department of
3 Revenue records is the owner of the property and the
4 owner currently resides at the last known address from
5 the Department of Revenue.

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

13 (6) The administrator does not need to notify the
14 Department of Revenue of the names or social security
15 numbers of apparent owners of abandoned property if the
16 administrator reasonably believes that the Department of
17 Revenue will be unable to provide information that would
18 provide sufficient evidence to establish that the person
19 in the Department of Revenue's records is the apparent
20 owner of unclaimed property in the custody of the
21 administrator.

22 (f) The administrator may use additional databases to
23 verify the identity of the person and that the person
24 currently resides at the last known address. The administrator
25 may utilize publicly and commercially available databases to
26 find and update or add information for apparent owners of

1 property held by the administrator.

2 (g) In addition to giving notice under subsection (b),
3 publishing the information under subsection (c)(1) and
4 maintaining the website or database under subsection (c)(2),
5 the administrator may use other printed publication,
6 telecommunication, the Internet, or other media to inform the
7 public of the existence of unclaimed property held by the
8 administrator.

9 (h) Identification of apparent owners of abandoned
10 property using other State databases.

11 (1) The administrator may enter into interagency
12 agreements with the Secretary of State and the Illinois
13 State Board of Elections to identify persons appearing to
14 be owners of abandoned property with databases under the
15 control of the Secretary of State and the Illinois State
16 Board of Elections. Such interagency agreements shall
17 include protection of confidential information, data match
18 rules, and other necessary and proper issues.

19 (2) Except as prohibited by federal law, after January
20 1, 2022 the administrator may provide the Secretary of
21 State with names and other identifying information of
22 persons appearing to be owners of abandoned property. The
23 Secretary of State may provide the administrator with the
24 last known address as it appears in its respective records
25 of any person reasonably believed to be the apparent owner
26 of abandoned property.

1 (3) The Illinois State Board of Elections shall, upon
2 request, annually provide the administrator with
3 electronic data or compilations of voter registration
4 information. The administrator may use such electronic
5 data or compilations of voter registration information to
6 identify persons appearing to be owners of abandoned
7 property.

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

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

14 (ii) the property is not either tangible property
15 or securities;

16 (iii) the last known address for the person
17 according to the records of the Secretary of State or
18 Illinois State Board of Elections is less than 12
19 months old; and

20 (iv) the administrator has evidence sufficient to
21 establish that the person who appears in the records
22 of the Secretary of State or Illinois State Board of
23 Elections is the owner of the property and the owner
24 currently resides at the last known address from the
25 Secretary of State or the Illinois State Board of
26 Elections.

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

2 (765 ILCS 1026/15-903)

3 Sec. 15-903. Claim for property by person claiming to be
4 owner.

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

10 (b) The administrator may waive the requirement in
11 subsection (a) and may pay or deliver property directly to a
12 person if:

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

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

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

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

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

22 (765 ILCS 1026/15-904)

23 Sec. 15-904. When administrator must honor claim for
24 property.

1 (a) The administrator shall pay or deliver property to a
2 claimant under subsection (a) of Section 15-903 if the
3 administrator receives evidence sufficient to establish to the
4 satisfaction of the administrator that the claimant is the
5 owner of the property.

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

22 (b-5) An heir or agent who files an unclaimed property
23 claim in which the decedent's property does not exceed \$250
24 ~~\$100~~ may submit an affidavit attesting to the heir's or
25 agent's capacity to claim in lieu of submitting a certified
26 copy of the will to verify a claim. The affidavit shall be

1 accompanied by a copy of other documentary proof that the
2 administrator requests, except the administrator shall not
3 require that the affidavit be accompanied by a copy of the
4 decedent's death certificate if other evidence of the death of
5 the owner is available. The administrator may change the
6 maximum value in this subsection by administrative rule.

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

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

12 (2) the claimant may file an amended claim with the
13 administrator or commence an action under Section 15-906;
14 and

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

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.