

  
Councilmember Jack Evans

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To enact the Revised Uniform Unclaimed Property Act, to provide rules for determining when property is presumed abandoned; reports by holders of such property to the District’s Administrator of Unclaimed Property; notice to apparent owners of such property; taking of custody, sale, and administration of such property by the Administrator claims to recover such property from the Administrator; verified reports of such property and examination of records; determination of liability of and remedies by putative holders; enforcement agreements to locate property held by Administrator; and confidentiality and security of information.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Uniform Unclaimed Property Act Revision Act of 2019.”

TITLE 1. GENERAL PROVISIONS

Sec. 101. Short title.

This act may be cited as the Revised Uniform Unclaimed Property Act.

Sec. 102. Definitions.

For purposes of this act:

(1) “Administrator” means the authorized representative of the Mayor of the District of Columbia.

32 (2) "Administrator's agent" means a person with which the Administrator contracts to  
33 conduct an examination under Title 10 on behalf of the Administrator. The term includes an  
34 independent contractor of the person and each individual participating in the examination on  
35 behalf of the person or contractor.

36 (3) "Apparent owner" means a person whose name appears on the records of a holder as  
37 the owner of property held, issued, or owing by the holder.

38 (4) "Attorney General" means the Attorney General of the District of Columbia.

39 (5) "Business association" means a corporation, joint stock company, investment  
40 company other than an investment company registered under the Investment Company Act of  
41 1940, as amended, 15 U.S.C. §§ 80a-1 through 80a-64, partnership, unincorporated association,  
42 joint venture, limited liability company, business trust, trust company, land bank, safe deposit  
43 company, safekeeping depository, financial organization, insurance company, federally chartered  
44 entity, utility, sole proprietorship, or other business entity, whether or not for profit.

45 (6) "Confidential information" means records, reports, and information that are  
46 confidential under section 1402.

47 (7) "District" means the District of Columbia.

48 (8) "Domicile" means:

49 (A) for a corporation, the state of its incorporation;

50 (B) for a business association whose formation requires a filing with a state, other  
51 than a corporation, the state of its filing;

52 (C) for a federally chartered entity or an investment company registered under the  
53 Investment Company Act of 1940, as amended, 15 U.S.C. §§ 80a-1 through 80a-64, the state of  
54 its home office; and

55 (D) for any other holder, the state of its principal place of business.

56 (9) "Electronic" means relating to technology having electrical, digital, magnetic,  
57 wireless, optical, electromagnetic, or similar capabilities.

58 (10) "Electronic mail" means a communication by electronic means which is  
59 automatically retained and stored and may be readily accessed or retrieved.

60 (11) "Financial organization" means a savings and loan association, building and loan  
61 association, savings bank, industrial bank, bank, banking organization, or credit union.

62 (12) "Game-related digital content" means digital content that exists only in an electronic  
63 game or electronic-game platform. The term:

64 (A) includes:

65 (i) game-play currency such as a virtual wallet, even if denominated in  
66 United States currency; and

67 (ii) the following if for use or redemption only within the game or  
68 platform or another electronic game or electronic-game platform:

69 (I) points sometimes referred to as gems, tokens, gold, and similar  
70 names; and

71 (II) digital codes; and

72 (B) does not include an item that the issuer:

73 (i) permits to be redeemed for use outside a game or platform for:

74 (I) money; or

75 (II) goods or services that have more than minimal value; or

76 (ii) otherwise monetizes for use outside a game or platform.

77 (13) "Gift card":

78 (A) means a stored-value card:  
79 (i) the value of which does not expire;  
80 (ii) that may be decreased in value only by redemption for merchandise,  
81 goods, or services; and  
82 (iii) that, unless required by law, may not be redeemed for or converted  
83 into money or otherwise monetized by the issuer; and

84 (B) includes a prepaid commercial mobile radio service, as defined in 47 C.F.R.  
85 20.3, as amended.

86 (14) "Holder" means a person obligated to hold for the account of, or to deliver or pay to,  
87 the owner, property subject to this act.

88 (15) "Insurance company" means an association, corporation, or fraternal or mutual-  
89 benefit organization, whether or not for profit, engaged in the business of providing life  
90 endowments, annuities, or insurance, including accident, burial, casualty, credit-life, contract-  
91 performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice,  
92 marine, mortgage, surety, wage-protection, and worker-compensation insurance.

93 (16) "Loyalty card" means a record given without direct monetary consideration under an  
94 award, reward, benefit, loyalty, incentive, rebate, or promotional program which may be used or  
95 redeemed only to obtain goods or services or a discount on goods or services. The term does not  
96 include a record that may be redeemed for money or otherwise monetized by the issuer.

97 (17) "Mineral" means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon,  
98 cement material, sand and gravel, road material, building stone, chemical raw material,  
99 gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other

100 geothermal resources, and any other substance defined as a mineral by law of the District other  
101 than this act.

102 (18) "Mineral proceeds" means an amount payable for extraction, production, or sale of  
103 minerals, or, on the abandonment of the amount, an amount that becomes payable after  
104 abandonment. The term includes an amount payable:

105 (A) for the acquisition and retention of a mineral lease, including a bonus, royalty,  
106 compensatory royalty, shut-in royalty, minimum royalty, and delay rental;

107 (B) for the extraction, production, or sale of minerals, including a net revenue  
108 interest, royalty, overriding royalty, extraction payment, and production payment; and

109 (C) under an agreement or option, including a joint-operating agreement, unit  
110 agreement, pooling agreement, and farm-out agreement.

111 (19) "Money order" means a payment order for a specified amount of money. The term  
112 includes an express money order and a personal money order on which the remitter is the  
113 purchaser.

114 (20) "Municipal bond" means a bond or evidence of indebtedness issued by a  
115 municipality or other political subdivision of a state.

116 (21) "Net card value" means the original purchase price or original issued value of a  
117 stored-value card, plus amounts added to the original price or value, minus amounts used and  
118 any service charge, fee, or dormancy charge permitted by law.

119 (22) "Non-freely transferable security" means a security that cannot be delivered to the  
120 Administrator by the Depository Trust Clearing Corporation or similar custodian of securities  
121 providing post-trade clearing and settlement services to financial markets or cannot be delivered  
122 because there is no agent to effect transfer. The term includes a worthless security.

123 (23) "Owner" means a person that has a legal, beneficial, or equitable interest in property  
124 subject to this act or the person's legal representative when acting on behalf of the owner. The  
125 term includes:

126 (A) a depositor, for a deposit;

127 (B) a beneficiary, for a trust other than a deposit in trust;

128 (C) a creditor, claimant, or payee, for other property; and

129 (D) the lawful bearer of a record that may be used to obtain money, a reward, or a  
130 thing of value.

131 (24) "Payroll card" means a record that evidences a payroll-card account as defined in  
132 Regulation E, 12 C.F.R. Part 1005, as amended.

133 (25) "Person" means an individual, estate, business or nonprofit entity, public  
134 corporation, government or governmental subdivision, agency, or instrumentality, or other legal  
135 entity.

136 (26) "Property" means tangible property described in section 205 or a fixed and certain  
137 interest in intangible property held, issued, or owed in the course of a holder's business or by a  
138 government, governmental subdivision, agency, or instrumentality. The term:

139 (A) includes all income from or increments to the property;

140 (B) includes property referred to as or evidenced by:

141 (i) money, virtual currency, interest, or a dividend, check, draft, deposit, or  
142 payroll card;

143 (ii) a credit balance, customer's overpayment, stored-value card, security  
144 deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an  
145 obligation to provide a refund, mineral proceeds, or unidentified remittance;

146 (iii) a security except for:  
147 (I) a worthless security; or  
148 (II) a security that is subject to a lien, legal hold, or restriction  
149 evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or  
150 restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate  
151 the security;

152 (iv) a bond, debenture, note, or other evidence of indebtedness;

153 (v) money deposited to redeem a security, make a distribution, or pay a  
154 dividend;

155 (vi) an amount due and payable under an annuity contract or insurance  
156 policy; and

157 (vii) an amount distributable from a trust or custodial fund established  
158 under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock  
159 purchase, profit-sharing, employee-savings, supplemental-unemployment insurance, or a similar  
160 benefit; and

161 (C) does not include:

162 (i) property held in a plan described in section 529A of the Internal  
163 Revenue Code, as amended, 26 U.S.C. § 529A;

164 (ii) game-related digital content; or

165 (iii) a loyalty card.

166 (27) "Putative holder" means a person believed by the Administrator to be a holder, until  
167 the person pays or delivers to the Administrator property subject to this act or the Administrator  
168 or a court makes a final determination that the person is or is not a holder.

169 (28) "Record" means information that is inscribed on a tangible medium or that is stored  
170 in an electronic or other medium and is retrievable in perceivable form.

171 (29) "Security" means:

172 (A) a security as defined in D.C. Official Code § 28:8-102(15);

173 (B) a security entitlement as defined in D.C. Official Code § 28:8-102(17),

174 including a customer security account held by a registered broker-dealer, to the extent the

175 financial assets held in the security account are not:

176 (i) registered on the books of the issuer in the name of the person for

177 which the broker-dealer holds the assets;

178 (ii) payable to the order of the person; or

179 (iii) specifically indorsed to the person; or

180 (C) an equity interest in a business association not included in subparagraph (A)

181 or (B).

182 (30) "Sign" means, with present intent to authenticate or adopt a record:

183 (A) to execute or adopt a tangible symbol; or

184 (B) to attach to or logically associate with the record an electronic symbol, sound,

185 or process.

186 (31) "State" means a state of the United States, the District of Columbia, the

187 Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular

188 possession subject to the jurisdiction of the United States.

189 (32) "Stored-value card" means a record evidencing a promise made for consideration by

190 the seller or issuer of the record that goods, services, or money will be provided to the owner of

191 the record to the value or amount shown in the record. The term:



192 (A) includes:

193 (i) a record that contains or consists of a microprocessor chip, magnetic  
194 strip, or other means for the storage of information, which is prefunded and whose value or  
195 amount is decreased on each use and increased by payment of additional consideration; and

196 (ii) a gift card and payroll card; and

197 (B) does not include a loyalty card or game-related digital content.

198 (33) "Superior Court" means the Superior Court of the District of Columbia.

199 (34) "Utility" means a person that owns or operates for public use a plant, equipment,  
200 real property, franchise, or license for the following public services:

201 (A) transmission of communications or information;

202 (B) production, storage, transmission, sale, delivery, or furnishing of electricity,  
203 water, steam, or gas; or

204 (C) provision of sewage or septic services, or trash, garbage, or recycling  
205 disposal.

206 (35) "Virtual currency" means a digital representation of value used as a medium of  
207 exchange, unit of account, or store of value, which does not have legal tender status recognized  
208 by the United States. The term does not include:

209 (A) the software or protocols governing the transfer of the digital representation  
210 of value;

211 (B) game-related digital content; or

212 (C) a loyalty card or gift card.

213 (36) "Worthless security" means a security whose cost of liquidation and delivery to the  
214 Administrator would exceed the value of the security on the date a report is due under this act.

215 Sec. 103. Inapplicability to foreign transaction.

216 This act does not apply to property held, due, and owing in a foreign country if the  
217 transaction out of which the property arose was a foreign transaction.

218 Sec. 104. Rulemaking.

219 The Administrator may adopt, under the District of Columbia Administrative Procedure  
220 Act, approved October 21, 1968 (92 Stat. 1205, D.C. Official Code § 2-501 *et seq.*), rules to  
221 implement and administer this act.

222 TITLE 2. PRESUMPTION OF ABANDONMENT

223 Sec. 201. When property presumed abandoned.

224 Subject to section 210, the following property is presumed abandoned if it is unclaimed  
225 by the apparent owner during the period specified below:

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

227 (2) a money order, 7 years after issuance;

228 (3) a state or municipal bond, bearer bond, or original-issue-discount bond, 3 years after  
229 the earliest of the date the bond matures or is called or the obligation to pay the principal of the  
230 bond arises;

231 (4) a debt of a business association, 3 years after the obligation to pay arises;

232 (5) a payroll card or demand, savings, or time deposit, including a deposit that is  
233 automatically renewable, 3 years after the maturity of the deposit, except a deposit that is  
234 automatically renewable is deemed matured on its initial date of maturity unless the apparent  
235 owner consented in a record on file with the holder to renewal at or about the time of the  
236 renewal;

237 (6) money or a credit owed to a customer as a result of a retail business transaction, 3  
238 years after the obligation arose;

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

243 (A) with respect to an amount owed on a life or endowment insurance policy, 3  
244 years after the earlier of the date:

245 (i) the insurance company has knowledge of the death of the insured; or

246 (ii) the insured has attained, or would have attained if living, the limiting  
247 age under the mortality table on which the reserve for the policy is based; and

248 (B) with respect to an amount owed on an annuity contract, 3 years after the date  
249 the insurance company has knowledge of the death of the annuitant.

250 (8) property distributable by a business association in the course of dissolution, one year  
251 after the property becomes distributable;

252 (9) property held by a court, including property received as proceeds of a class action,  
253 one year after the property becomes distributable;

254 (10) property held by a government or governmental subdivision, agency, or  
255 instrumentality, including municipal bond interest and unredeemed principal under the  
256 administration of a paying agent or indenture trustee, one year after the property becomes  
257 distributable;

258 (11) wages, commissions, bonuses, or reimbursements to which an employee is entitled,  
259 or other compensation for personal services, other than amounts held in a payroll card, one year  
260 after the amount becomes payable;

261 (12) a deposit or refund owed to a subscriber by a utility, one year after the deposit or  
262 refund becomes payable; and

263 (13) property not specified in this section or sections 202 through 208, the earlier of 3  
264 years after the owner first has a right to demand the property or the obligation to pay or distribute  
265 the property arises.

266 Sec. 202. When tax-deferred retirement account presumed abandoned.

267 (a) Subject to section 210, property held in a pension account or retirement account that  
268 qualifies for tax deferral under the income-tax laws of the United States is presumed abandoned  
269 if it is unclaimed by the apparent owner 3 years after the later of:

270 (1) the following dates:

271 (A) except as otherwise provided in subparagraph (B), the date a second  
272 consecutive communication sent by the holder by first-class United States mail to the apparent  
273 owner is returned to the holder undelivered by the United States Postal Service; or

274 (B) if the second communication is sent later than 30 days after the date  
275 the first communication is returned undelivered, the date the first communication was returned  
276 undelivered by the United States Postal Service; or

277 (2) the earlier of the following dates:

278 (A) the date the apparent owner becomes 70.5 years of age, if  
279 determinable by the holder; or

280 (B) if the Internal Revenue Code, as amended, 26 U.S.C. § 1 *et seq.*,  
281 requires distribution to avoid a tax penalty, 2 years after the date the holder:

282 (i) receives confirmation of the death of the apparent owner in the  
283 ordinary course of its business; or

284 (ii) confirms the death of the apparent owner under subsection (b).

285 (b) If a holder in the ordinary course of its business receives notice or an indication of the  
286 death of an apparent owner and subsection (a)(2) applies, the holder shall attempt not later than  
287 90 days after receipt of the notice or indication to confirm whether the apparent owner is  
288 deceased.

289 (c) If the holder does not send communications to the apparent owner of an account  
290 described in subsection (a) by first-class United States mail, the holder shall attempt to confirm  
291 the apparent owner's interest in the property by sending the apparent owner an electronic-mail  
292 communication not later than 2 years after the apparent owner's last indication of interest in the  
293 property. However, the holder promptly shall attempt to contact the apparent owner by first-  
294 class United States mail if:

295 (1) the holder does not have information needed to send the apparent owner an  
296 electronic mail communication or the holder believes that the apparent owner's electronic mail  
297 address in the holder's records is not valid;

298 (2) the holder receives notification that the electronic-mail communication was  
299 not received; or

300 (3) the apparent owner does not respond to the electronic-mail communication not  
301 later than 30 days after the communication was sent.

302 (d) If first-class United States mail sent under subsection (c) is returned to the holder  
303 undelivered by the United States Postal Service, the property is presumed abandoned three 3  
304 years after the later of:

305 (1) except as in paragraph (2), the date a second consecutive communication to  
306 contact the apparent owner sent by first-class United States mail is returned to the holder  
307 undelivered;

308 (2) if the second communication is sent later than 30 days after the date the first  
309 communication is returned undelivered, the date the first communication was returned  
310 undelivered; or

311 (3) the date established by subsection (a)(2).

312 Sec. 203. When other tax-deferred account presumed abandoned.

313 Subject to section 210 and except for property described in section 202 and property held  
314 in a plan described in section 529A of the Internal Revenue Code, as amended, 26 U.S.C. §  
315 529A, property held in an account or plan, including a health savings account, that qualifies for  
316 tax deferral under the income-tax laws of the United States is presumed abandoned if it is  
317 unclaimed by the apparent owner 3 years after the earlier of:

318 (1) the date, if determinable by the holder, specified in the income-tax laws and  
319 regulations of the United States by which distribution of the property must begin to avoid a tax  
320 penalty, with no distribution having been made; or

321 (2) 30 years after the date the account was opened.

322 Sec. 204. When custodial account for minor presumed abandoned.

323 (a) Subject to section 210, property held in an account established under a state's  
324 Uniform Gifts to Minors Act or Uniform Transfers to Minors Act is presumed abandoned if it is

325 unclaimed by or on behalf of the minor on whose behalf the account was opened 3 years after the  
326 later of:

327 (1) except as otherwise provided in subparagraph (2), the date a second  
328 consecutive communication sent by the holder by first-class United States mail to the custodian  
329 of the minor on whose behalf the account was opened is returned undelivered to the holder by  
330 the United States Postal Service;

331 (2) if the second communication is sent later than 30 days after the date the first  
332 communication is returned undelivered, the date the first communication was returned  
333 undelivered; or

334 (3) the date on which the custodian is required to transfer the property to the  
335 minor or the minor's estate in accordance with the Uniform Gifts to Minors Act or Uniform  
336 Transfers to Minors Act of the state in which the account was opened.

337 (b) If the holder does not send communications to the custodian of the minor on whose  
338 behalf an account described in subsection (a) was opened by first-class United States mail, the  
339 holder shall attempt to confirm the custodian's interest in the property by sending the custodian  
340 an electronic-mail communication not later than 2 years after the custodian's last indication of  
341 interest in the property. However, the holder promptly shall attempt to contact the custodian by  
342 first-class United States mail if:

343 (1) the holder does not have information needed to send the custodian an  
344 electronic mail communication or the holder believes that the custodian's electronic-mail-mail  
345 address in the holder's records is not valid;

346 (2) the holder receives notification that the electronic-mail communication was  
347 not received; or

348 (3) the custodian does not respond to the electronic-mail communication not later  
349 than 30 days after the communication was sent.

350 (c) If first-class United States mail sent under subsection (b) is returned undelivered to  
351 the holder by the United States Postal Service, the property is presumed abandoned 3 years after  
352 the later of:

353 (1) the date a second consecutive communication to contact the custodian by first-  
354 class United States mail is returned to the holder undelivered by the United States Postal Service;  
355 or

356 (2) the date established by subsection (a)(3).

357 (d) When the property in the account described in subsection (a) is transferred to the  
358 minor on whose behalf an account was opened or to the minor's estate, the property in the  
359 account is no longer subject to this section.

360 Sec. 205. When contents of safe-deposit box presumed abandoned.

361 Tangible property held in a safe-deposit box and proceeds from a sale of the property by  
362 the holder permitted by law of the District other than this act are presumed abandoned if the  
363 property remains unclaimed by the apparent owner 3 years after the earlier of the:

364 (1) expiration of the lease or rental period for the box; or

365 (2) earliest date when the lessor of the box is authorized by law of the District other than  
366 this act to enter the box and remove or dispose of the contents without consent or authorization  
367 of the lessee.

368 Sec. 206. When stored-value card presumed abandoned.

369 (a) Subject to section 210, the net card value of a stored-value card, other than a payroll  
370 card or a gift card, is presumed abandoned on the latest of 3 years after:



371 (1) December 31 of the year in which the card is issued or additional funds are  
372 deposited into it;

373 (2) the most recent indication of interest in the card by the apparent owner; or

374 (3) a verification or review of the balance by or on behalf of the apparent owner.

375 (b) The amount presumed abandoned in a stored-value card is the net card value at the  
376 time it is presumed abandoned.

377 Sec. 207. When gift card presumed abandoned.

378 Subject to section 210, a gift card is presumed abandoned if it is unclaimed by the  
379 apparent owner 5 years after the later of the date of purchase or its most recent use.

380 Sec. 208. When security presumed abandoned.

381 (a) Subject to section 210, a security is presumed abandoned 3 years after:

382 (1) the date a second consecutive communication sent by the holder by first-class  
383 United States mail to the apparent owner is returned to the holder undelivered by the United  
384 States Postal Service; or

385 (2) if the second communication is made later than 30 days after the first  
386 communication is returned, the date the first communication is returned undelivered to the holder  
387 by the United States Postal Service.

388 (b) If the holder does not send communications to the apparent owner of a security by  
389 first-class United States mail, the holder shall attempt to confirm the apparent owner's interest in  
390 the security by sending the apparent owner an electronic-mail communication not later than two  
391 2 years after the apparent owner's last indication of interest in the security. However the holder  
392 promptly shall attempt to contact the apparent owner by first-class United States mail if:

393 (1) the holder does not have information needed to send the apparent owner an  
394 electronic-mail communication or the holder believes that the apparent owner's electronic-mail  
395 address in the holder's records is not valid;

396 (2) the holder receives notification that the electronic-mail communication was  
397 not received; or

398 (3) the apparent owner does not respond to the electronic-mail communication not  
399 later 30 days after the communication was sent.

400 (c) If first-class United States mail sent under subsection (b) is returned to the holder  
401 undelivered by the United States Postal Service, the security is presumed abandoned 3 years after  
402 the date the mail is returned.

403 Sec. 209. When related property presumed abandoned.

404 At and after the time property is presumed abandoned under this act, any other property  
405 right or interest accrued or accruing from the property and not previously presumed abandoned is  
406 also presumed abandoned.

407 Sec. 210. Indication of apparent owner interest in property.

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

409 (1) the date the property is presumed abandoned under this title; or

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

411 (b) Under this act, an indication of an apparent owner's interest in property includes:

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

414 (2) an oral communication by the apparent owner to the holder or agent of the  
415 holder concerning the property or the account in which the property is held, if the holder or its

416 agent contemporaneously makes and preserves a record of the fact of the apparent owner's  
417 communication;

418 (3) presentment of a check or other instrument of payment of a dividend, interest  
419 payment, or other distribution, or evidence of receipt of a distribution made by electronic or  
420 similar means, with respect to an account, underlying security, or interest in a business  
421 association.

422 (4) activity directed by an apparent owner in the account in which the property is  
423 held, including accessing the account or information concerning the account, or a direction by  
424 the apparent owner to increase, decrease, or otherwise change the amount or type of property  
425 held in the account;

426 (5) a deposit into or withdrawal from an account at a financial organization,  
427 including an automatic deposit or withdrawal previously authorized by the apparent owner other  
428 than an automatic reinvestment of dividends or interest;

429 (6) subject to subsection (e), payment of a premium on an insurance policy; and

430 (7) any other action by the apparent owner which reasonably demonstrates to the  
431 holder that the apparent owner knows that the property exists.

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

435 (d) A communication with an apparent owner by a person other than the holder or the  
436 holder's representative is not an indication of interest in the property by the apparent owner  
437 unless a record of the communication evidences the apparent owner's knowledge of a right to the  
438 property.

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

443 Sec. 211. Knowledge of death of insured or annuitant.

444 (a) In this section, "death master file" means the United States Social Security  
445 Administration Death Master File or other database or service that is at least as comprehensive as  
446 the United States Social Security Administration Death Master File for determining that an  
447 individual reportedly has died.

448 (b) With respect to a life or endowment insurance policy or annuity contract for which an  
449 amount is owed on proof of death, but which has not matured by proof of death of the insured or  
450 annuitant, the company has knowledge of the death of an insured or annuitant when:

451 (1) the company receives a death certificate or court order determining that the  
452 insured or annuitant has died;

453 (2) due diligence, performed as required under Section 31 of Chapter V of the  
454 Life Insurance Act, approved June 19, 1934 (48 Stat. 1128; D.C. Official Code § 35-4731), to  
455 maintain contact with the insured or annuitant or determine whether the insured or annuitant has  
456 died, validates the death of the insured or annuitant;

457 (3) the company conducts a comparison for any purpose between a death master  
458 file and the names of some or all of the company's insureds or annuitants, finds a match that  
459 provides notice that the insured or annuitant has died, and validates the death;

460 (4) the Administrator or the Administrator's agent conducts a comparison for the  
461 purpose of finding matches during an examination conducted under Title 10 between a death

462 master file and the names of some or all of the company's insureds or annuitants, finds a match  
463 that provides notice that the insured or annuitant has died, and the company validates the death;  
464 or

465 (5) the company:

466 (A) receives notice of the death of the insured or annuitant from an  
467 administrator, beneficiary, policy owner, relative of the insured, or trustee or from a personal  
468 representative or other legal representative of the insured's or annuitant's estate; and

469 (B) validates the death of the insured or annuitant.

470 (c) The following rules apply under this section:

471 (1) A death-master-file match under subsection (b)(3) or (4) occurs if the criteria  
472 for an exact or partial match are satisfied as provided by:

473 (A) Section 31 of Chapter V of the Life Insurance Act, approved June 19,  
474 1934 (48 Stat. 1128; D.C. Official Code § 35-4731) ; or

475 (B) a rule or policy adopted by the Commissioner of the Department of  
476 Insurance, Securities and Banking.

477 (2) The death-master-file match does not constitute proof of death for the purpose  
478 of submission to an insurance company of a claim by a beneficiary, annuitant, or owner of the  
479 policy or contract for an amount due under an insurance policy or annuity contract.

480 (3) The death-master-file match or validation of the insured's or annuitant's death  
481 does not alter the requirements for a beneficiary, annuitant, or owner of the policy or contract to  
482 make a claim to receive proceeds under the terms of the policy or contract.

483 (4) If no provision in the laws of the District relating to insurance which  
484 establishes a time for validation of a death of an insured or annuitant, the insurance company

485 shall make a good faith effort using other available records and information to validate the death  
486 and document the effort taken not later than 90 days after the insurance company has notice of  
487 the death.

488 (d) This act does not affect the determination of the extent to which an insurance  
489 company before the effective date of this act had knowledge of the death of an insured or  
490 annuitant or was required to conduct a death-master-file comparison to determine whether  
491 amounts owed by the company on a life or endowment insurance policy or annuity contract were  
492 presumed abandoned or unclaimed.

493 Sec. 212. Deposit account for proceeds of insurance policy or annuity contract.

494 If proceeds payable under a life or endowment insurance policy or annuity contract are  
495 deposited into an account with check or draft-writing privileges for the beneficiary of the policy  
496 or contract and, under a supplementary contract not involving annuity benefits other than death  
497 benefits, the proceeds are retained by the insurance company or the financial organization where  
498 the account is held, the policy or contract includes the assets in the account.

499 TITLE 3. RULES FOR TAKING CUSTODY OF PROPERTY PRESUMED ABANDONED

500 Sec. 301. Address of apparent owner to establish priority.

501 In this title, the following rules apply:

502 (1) The last-known address of an apparent owner is any description, code, or other  
503 indication of the location of the apparent owner which identifies the state, even if the description,  
504 code, or indication of location is not sufficient to direct the delivery of first-class United States  
505 mail to the apparent owner.

506 (2) If the United States postal zip code associated with the apparent owner is for a post  
507 office located in the District, the District is deemed to be the state of the last-known address of

508 the apparent owner unless other records associated with the apparent owner specifically identify  
509 the physical address of the apparent owner to be in another state.

510 (3) If the address under paragraph (2) is in another state, the other state is deemed to be  
511 the state of the last-known address of the apparent owner.

512 (4) The address of the apparent owner of a life or endowment insurance policy or annuity  
513 contract or its proceeds is presumed to be the address of the insured or annuitant if a person other  
514 than the insured or annuitant is entitled to the amount owed under the policy or contract and the  
515 address of the other person is not known by the insurance company and cannot be determined  
516 under section 302.

517 Sec. 302. Address of apparent owner in the District.

518 The Administrator may take custody of property that is presumed abandoned, whether  
519 located in the District, another state, or a foreign country if:

520 (1) the last-known address of the apparent owner in the records of the holder is in the  
521 District; or

522 (2) the records of the holder do not reflect the identity or last-known address of the  
523 apparent owner, but the Administrator has determined that the last-known address of the  
524 apparent owner is in the District.

525 Sec. 303. If records show multiple addresses of apparent owner.

526 (a) Except as otherwise provided in subsection (b), if records of a holder reflect multiple  
527 addresses for an apparent owner and the District is the state of the most recently recorded  
528 address, the District may take custody of property presumed abandoned, whether located in the  
529 District or another state.

530 (b) If it appears from records of the holder that the most recently recorded address of the  
531 apparent owner under subsection (a) is a temporary address and the District is the jurisdiction of  
532 the next most recently recorded address that is not a temporary address, the District may take  
533 custody of the property presumed abandoned.

534 Sec. 304. Holder domiciled in the District.

535 (a) Except as otherwise provided in subsection (b) or section 302 or 303, the  
536 Administrator may take custody of property presumed abandoned, whether located in the  
537 District, another state, or a foreign country, if the holder is domiciled in the District or is the  
538 District or a governmental subdivision, agency, or instrumentality of the District; and

539 (1) another state or foreign country is not entitled to the property because there is  
540 no last-known address of the apparent owner or other person entitled to the property in the  
541 records of the holder; or

542 (2) the state or foreign country of the last-known address of the apparent owner or  
543 other person entitled to the property does not provide for custodial taking of the property.

544 (b) Property is not subject to custody of the Administrator under subsection (a) if the  
545 property is specifically exempt from custodial taking under the law of the District or the state or  
546 foreign country of the last-known address of the apparent owner.

547 (c) If a holder's state of domicile has changed since the time property was presumed  
548 abandoned, the holder's state of domicile in this section is deemed to be the state where the  
549 holder was domiciled at the time the property was presumed abandoned.

550 Sec. 305. Custody if transaction took place in the District.

551 Except as otherwise provided in section 302, 303, or 304, the Administrator may take  
552 custody of property presumed abandoned whether located in the District or another state if:



- 553 (1) the transaction out of which the property arose took place in the District;
- 554 (2) the holder is domiciled in a state that does not provide for the custodial taking of the
- 555 property, except that if the property is specifically exempt from custodial taking under the law of
- 556 the state of the holder's domicile, the property is not subject to the custody of the Administrator;
- 557 and
- 558 (3) the last-known address of the apparent owner or other person entitled to the property
- 559 is unknown or in a state that does not provide for the custodial taking of the property, except that
- 560 if the property is specifically exempt from custodial taking under the law of the state of the last-
- 561 known address, the property is not subject to the custody of the Administrator.

562 Sec. 306. Traveler's check, money order, or similar instrument.

563 The Administrator may take custody of sums payable on a traveler's check, money order,

564 or similar instrument presumed abandoned to the extent permissible under 12 U.S.C. §§ 2501

565 through 2503, as amended.

566 Sec. 307. Burden of proof to establish Administrator's right to custody.

567 If the Administrator asserts a right to custody of unclaimed property, the Administrator

568 has the burden to prove:

- 569 (1) the existence and amount of the property;
- 570 (2) that the property is presumed abandoned; and
- 571 (3) that the property is subject to the custody of the Administrator.

572 TITLE 4. REPORT BY HOLDER

573 Sec. 401. Report required by holder.

574 (a) A holder of property presumed abandoned and subject to the custody of the  
575 Administrator shall report in a record to the Administrator concerning the property. The  
576 Administrator may not require a holder to file a paper report.

577 (b) A holder may contract with a third party to make the report required under subsection  
578 (a).

579 (c) Whether or not a holder contracts with a third party under subsection (b), the holder is  
580 responsible:

581 (1) for the complete, accurate, and timely reporting of property presumed  
582 abandoned to the Administrator; and

583 (2) for paying or delivering to the Administrator property described in the report.

584 Sec. 402. Content of report.

585 (a) The report required under section 401 must:

586 (1) be signed by or on behalf of the holder and verified as to its completeness and  
587 accuracy;

588 (2) if filed electronically, be in a secure format approved by the Administrator  
589 which protects confidential information of the apparent owner in the same manner as required of  
590 the Administrator and the Administrator's agent under Title 14;

591 (3) describe the property;

592 (4) except for a traveler's check, money order, or similar instrument, contain the  
593 name, if known, last-known address, if known, and Social Security number or taxpayer  
594 identification number, if known or readily ascertainable, of the apparent owner of property with a  
595 value of \$50 or more;

596 (5) for an amount held or owing under a life or endowment insurance policy or  
597 annuity contract, contain the name and last-known address of the insured, annuitant or other  
598 apparent owner of the policy or contract and of the beneficiary;

599 (6) for property held in or removed from a safe-deposit box, indicate the location  
600 of the property, where it may be inspected by the Administrator, and any amounts owed to the  
601 holder under section 606;

602 (7) contain the commencement date for determining abandonment under Title 2;

603 (8) state that the holder has complied with the notice requirements of section 501;

604 (9) identify property that is a non-freely transferable security and explain why it is  
605 a non-freely transferable security; and

606 (10) contain other information the Administrator prescribes by rules.

607 (b) A report under section 401 may include personal information as defined in section  
608 1401(a) about the apparent owner or the apparent owner's property to the extent not otherwise  
609 prohibited by federal law.

610 (c) If a holder has changed its name while holding property presumed abandoned or is a  
611 successor to another person that previously held the property for the apparent owner, the holder  
612 shall include in the report under section 401 its former name or the name of the previous holder,  
613 if any, and the known name and address of each previous holder of the property.

614 Sec. 403. When report to be filed.

615 (a) Except as otherwise provided in subsection (b) and subject to subsection (c), the  
616 report under section 401 must be filed before November 1 of each year and cover the 12 months  
617 preceding July 1 of that year.

618 (b) Subject to subsection (c), the report under section 401 to be filed by an insurance  
619 company must be filed before May 1 of each year for the immediately preceding calendar year.

620 (c) Before the date for filing the report under section 401, the holder of property  
621 presumed abandoned may request the Administrator to extend the time for filing. The  
622 Administrator may grant an extension. If the extension is granted, the holder may pay or make a  
623 partial payment of the amount the holder estimates ultimately will be due. The payment or  
624 partial payment terminates accrual of interest on the amount paid.

625 Sec. 404. Retention of records by holder.

626 A holder required to file a report under section 401 shall retain records for 10 years after  
627 the later of the date the report was filed or the last date a timely report was due to be filed, unless  
628 a shorter period is provided by rule of the Administrator. The holder may satisfy the requirement  
629 to retain records under this section through an agent. The records must contain:

- 630 (1) the information required to be included in the report;  
631 (2) the date, place, and nature of the circumstances that gave rise to the property right;  
632 (3) the amount or value of the property;  
633 (4) the last address of the apparent owner, if known to the holder; and  
634 (5) if the holder sells, issues, or provides to others for sale or issue in the District  
635 traveler's checks, money orders, or similar instruments, other than third-party bank checks, on  
636 which the holder is directly liable, a record of the instruments while they remain outstanding  
637 indicating the state and date of issue.

638 Sec. 405. Property reportable and payable or deliverable absent owner demand.

639 Property is reportable and payable or deliverable under this act even if the owner fails to  
640 make demand or present an instrument or document otherwise required to obtain payment.

641 TITLE 5. NOTICE TO APPARENT OWNER OF PROPERTY PRESUMED ABANDONED

642 Sec. 501. Notice to apparent owner by holder.

643 (a) Subject to subsection (b), the holder of property presumed abandoned shall send to the  
644 apparent owner notice by first-class United States mail that complies with section 502 in a  
645 format acceptable to the Administrator not more than 180 days nor less than 60 days before filing  
646 the report under section 401 if:

647 (1) the holder has in its records an address for the apparent owner which the  
648 holder's records do not disclose to be invalid and is sufficient to direct the delivery of first-class  
649 United States mail to the apparent owner; and

650 (2) the value of the property is \$50 or more.

651 (b) If an apparent owner has consented to receive electronic-mail delivery from the  
652 holder, the holder shall send the notice described in subsection (a) both by first-class United  
653 States mail to the apparent owner's last-known mailing address and by electronic mail, unless the  
654 holder believes that the apparent owner's electronic-mail address is invalid.

655 Sec. 502. Contents of notice by holder.

656 (a) Notice under section 501 must contain a heading that reads substantially as follows:

657 "Notice. The District of Columbia requires us to notify you that your property may be transferred  
658 to the custody of the District of Columbia's Unclaimed Property Administrator if you do not  
659 contact us before (insert date that is 30 days after the date of this notice)."

660 (b) The notice under section 501 must:

661 (1) identify the nature and, except for property that does not have a fixed value,  
662 the value of the property that is the subject of the notice;

663 (2) state that the property will be turned over to the Administrator;

664 (3) state that after the property is turned over to the Administrator an apparent  
665 owner that seeks return of the property must file a claim with the Administrator;

666 (4) state that property that is not legal tender of the United States may be sold by  
667 the Administrator; and

668 (5) provide instructions that the apparent owner must follow to prevent the holder  
669 from reporting and paying or delivering the property to the Administrator.

670 Sec. 503. Notice by Administrator.

671 (a) The Administrator shall make a reasonable effort to give notice to an apparent owner  
672 that property of the owner that is presumed to be abandoned is held by the Administrator under  
673 this act. The Administrator shall use available resources, including information services, to  
674 ascertain the mailing address of an apparent owner.

675 (b) Subject to subsection (a), the Administrator shall:

676 (1) except as otherwise provided in paragraph (2), send written notice by first-  
677 class United States mail to each apparent owner of property valued at \$50 or more held by the  
678 Administrator, unless the Administrator determines that a mailing by first-class United States  
679 mail would not be received by the apparent owner, and, in the case of a security held in an  
680 account for which the apparent owner had consented to receiving electronic mail from the  
681 holder, send notice by electronic mail if the electronic-mail address of the apparent owner is  
682 known to the Administrator instead of by first-class United States mail; or

683 (2) send the notice to the apparent owner's electronic-mail address if the  
684 Administrator does not have a valid United States mail address for an apparent owner, but has an  
685 electronic-mail address that the Administrator does not know to be invalid.

686 (c) In addition to the notice under subsection (b), the Administrator shall maintain a  
687 website or database that (i) is accessible by the public and electronically searchable, (ii) contains  
688 the names reported to the Administrator of all apparent owners for whom property is being held  
689 by the Administrator, and (iii) includes the following information:

690 (1) the total value of property received by the Administrator during the preceding  
691 6-month period, taken from the reports under section 401;

692 (2) the total value of claims paid by the Administrator during the preceding 6-  
693 month period;

694 (3) the Internet web address of the unclaimed property website maintained by the  
695 Administrator;

696 (4) a telephone number and electronic-mail address to contact the Administrator  
697 to inquire about or claim property; and

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

701 (d) The website or database maintained under subsection (c) must include instructions for  
702 filing with the Administrator a claim to property and a printable claim form with instructions for  
703 its use.

704 (e) In addition to giving notice under subsections (b) and (c), the Administrator may use  
705 other printed publication, telecommunication, the Internet, or other media to inform the public of  
706 the existence of unclaimed property held by the Administrator.

707 Sec. 504. Cooperation among District officers and agencies to locate apparent owner.

708 Unless prohibited by law of the District other than this act, on request of the  
709 Administrator, each officer, agency, board, commission, division, and department of the District  
710 and any body politic and corporate created by the District for a public purpose shall make its  
711 books and records available to the Administrator and cooperate with the Administrator to  
712 determine the current address of an apparent owner of property held by the Administrator under  
713 this act.

#### 714 TITLE 6. TAKING CUSTODY OF PROPERTY BY ADMINISTRATOR

##### 715 Sec. 601. Definition of good faith.

716 In this title, payment or delivery of property is made in good faith if a holder:

717 (1) had a reasonable basis for believing, based on the facts then known, that the property  
718 was required or permitted to be paid or delivered to the Administrator under this act; or

719 (2) made payment or delivery:

720 (A) in response to a demand by the Administrator or Administrator's agent; or

721 (B) under a guidance or ruling issued by the Administrator which the holder

722 reasonably believed required or permitted the property to be paid or delivered.

##### 723 Sec. 602. Dormancy charge.

724 (a) A holder may deduct a dormancy charge from property required to be paid or  
725 delivered to the Administrator if:

726 (1) a valid contract between the holder and the apparent owner authorizes  
727 imposition of the charge for the apparent owner's failure to claim the property within a specified  
728 time; and

729 (2) the holder regularly imposes the charge and regularly does not reverse or  
730 otherwise cancel the charge.



731 (b) The amount of the deduction under subsection (a) is limited to an amount that is not  
732 unconscionable considering all relevant factors, including the marginal transactional costs  
733 incurred by the holder in maintaining the apparent owner's property and any services received by  
734 the apparent owner. A deduction of \$10 a year for maintaining property valued at \$50 or less, or  
735 \$20 a year for maintaining property valued at more than \$50, or other amounts established by the  
736 Administrator by rule, is not unconscionable, although a higher charge, if permitted under  
737 subsection (a), may be proper considering all relevant factors.

738 Sec. 603. Payment or delivery of property to Administrator.

739 (a) Except as otherwise provided in this section, on filing a report under section 401, the  
740 holder shall pay or deliver to the Administrator the property described in the report.

741 (b) If property in a report under section 401 is an automatically renewable deposit and a  
742 penalty or forfeiture in the payment of interest would result from paying the deposit to the  
743 Administrator at the time of the report, the date for payment of the property to the Administrator  
744 is extended until a penalty or forfeiture no longer would result from payment, if the holder  
745 informs the Administrator of the extended date.

746 (c) Tangible property in a safe-deposit box may not be delivered to the Administrator  
747 until 120 days after filing the report under section 401.

748 (d) If property reported to the Administrator under section 401 is a security, the  
749 Administrator may:

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

753 (2) dispose of the security under section 702.

754 (e) If the holder of property reported to the Administrator under section 401 is the issuer  
755 of a certificated security, the Administrator may obtain a replacement certificate in physical or  
756 book-entry form under D.C. Official Code § 28:8-405. An indemnity bond is not required.

757 (f) The Administrator shall establish procedures for the registration, issuance, method of  
758 delivery, transfer, and maintenance of securities delivered to the Administrator by a holder.

759 (g) An issuer, holder, and transfer agent or other person acting under this section under  
760 instructions of and on behalf of the issuer or holder s not liable to the apparent owner for, and  
761 must be indemnified by the District against, a claim arising with respect to property after the  
762 property has been delivered to the Administrator.

763 (h) A holder is not required to deliver to the Administrator a security identified by the  
764 holder as a non-freely transferable security. If the Administrator or holder determines that a  
765 security is no longer a non-freely transferable security, the holder shall deliver the security on the  
766 next regular date prescribed for delivery of securities under this act. The holder shall make a  
767 determination annually whether a security identified in a report filed under section 401 as a non-  
768 freely transferable security is no longer a non-freely transferable security.

769 Sec. 604. Effect of payment or delivery of property to Administrator.

770 (a) On payment or delivery of property to the Administrator under this act, the  
771 Administrator as agent for the District assumes custody and responsibility for safekeeping the  
772 property. A holder that pays or delivers property to the Administrator in good faith and  
773 substantially complies with sections 501 and 502 is relieved of liability arising thereafter with  
774 respect to payment or delivery of the property to the Administrator.

775 (b) The District shall defend and indemnify a holder against liability on a claim against  
776 the holder resulting from the payment or delivery of property to the Administrator made in good  
777 faith and after the holder substantially complied with sections 501 and 502.

778 Sec. 605. Recovery of property by holder from Administrator.

779 (a) A holder that under this act pays money to the Administrator may file a claim for  
780 reimbursement from the Administrator of the amount paid if the holder:

781 (1) paid the money in error; or

782 (2) after paying the money to the Administrator, paid money to a person the  
783 holder reasonably believed entitled to the money.

784 (b) If a claim for reimbursement under subsection (a) is made for a payment made on a  
785 negotiable instrument, including a traveler's check, money order, or similar instrument, the  
786 holder shall submit proof that the instrument was presented and payment was made to a person  
787 the holder reasonably believed entitled to payment. The holder may claim reimbursement even  
788 if the payment was made to a person whose claim was made after expiration of a period of  
789 limitation on the owner's right to receive or recover property, whether specified by contract,  
790 statute, or court order.

791 (c) If a holder is reimbursed by the Administrator under subsection (a)(2), the holder may  
792 also recover from the Administrator income or gain under section 607 that would have been paid  
793 to the owner if the money had been claimed from the Administrator by the owner to the extent  
794 the income or gain was paid by the holder to the owner.

795 (d) A holder that under this act delivers property other than money to the Administrator  
796 may file a claim for return of the property from the Administrator if:

797 (1) the holder delivered the property in error; or

798 (2) the apparent owner has claimed the property from the holder.

799 (e) If a claim for return of property under subsection (d) is made, the holder shall include  
800 with the claim evidence sufficient to establish that the apparent owner has claimed the property  
801 from the holder or that the property was delivered by the holder to the Administrator in error.

802 (f) The Administrator may determine that an affidavit submitted by a holder is evidence  
803 sufficient to establish that the holder is entitled to reimbursement or to recover property under  
804 this section.

805 (g) A holder is not required to pay a fee or other charge for reimbursement or return of  
806 property under this section.

807 (h) Not later than 90 days after a claim is filed under subsection (a) or (d), the  
808 Administrator shall allow or deny the claim and give the claimant notice of the decision in a  
809 record. If the Administrator does not take action on a claim during the 90-day period, the claim  
810 is deemed denied.

811 (i) The claimant may bring an action in the Superior Court for review of the  
812 Administrator's decision or the deemed denial under subsection (h) not later than:

813 (1) 30 days following receipt of the notice of the Administrator's decision; or

814 (2) 120 days following the filing of a claim under subsection (a) or (d) in the case  
815 of a deemed denial under subsection (h).

816 (j) A final decision in an action brought under subsection (i) is subject to review by the  
817 District of Columbia Court of Appeals.

818 Sec. 606. Property removed from safe-deposit box.

819 (a) Property removed from a safe-deposit box and delivered under this act to the  
820 Administrator under this act is subject to the holder's right to reimbursement for the cost of

821 opening the box and a lien or contract providing reimbursement to the holder for unpaid rent  
822 charges for the box, provided that the holder makes a request under subsection (b).

823 (b) The Administrator shall reimburse the holder from the proceeds remaining after  
824 deducting the expense incurred by the Administrator in selling the property, if the holder makes a  
825 request for reimbursement after property from the safe deposit box is delivered to the  
826 Administrator.

827 Sec. 607. Crediting income or gain to owner's account.

828 (a) If property other than money is delivered to the Administrator, the owner is entitled to  
829 receive from the Administrator income or gain realized or accrued on the property before the  
830 property is sold. If the property is an interest-bearing demand, savings, or time deposit that  
831 continues to earn interest after delivery to the Administrator, the owner is entitled to that interest  
832 before the property is sold. Interest begins to accrue when the property is delivered to the  
833 Administrator and ends on the earlier of the expiration of 10 years after its delivery or the date on  
834 which payment is made to the owner.

835 (b) Interest on interest-bearing property is not payable under this section for any period  
836 before the effective date of this act, unless authorized by Section 121 of the Uniform Disposition  
837 of Unclaimed Property Act of 1980, effective March 5, 1981.

838 Sec. 608. Administrator's options as to custody.

839 (a) The Administrator may decline to take custody of property reported under section 401  
840 if the Administrator determines that:

841 (1) the property has a value less than the estimated expenses of notice and sale of  
842 the property; or

843 (2) taking custody of the property would be unlawful.

844 (b) A holder may pay or deliver property to the Administrator before the property is  
845 presumed abandoned under this act if the holder:

846 (1) sends the apparent owner of the property notice required by section 501 and  
847 provides the Administrator evidence of the holder's compliance with this paragraph;

848 (2) includes with the payment or delivery a report regarding the property  
849 conforming to section 402; and

850 (3) first obtains the Administrator's consent in a record to accept payment or  
851 delivery.

852 (c) A holder's request for the Administrator's consent under subsection (b)(3) must be in  
853 a record. If the Administrator fails to respond to the request not later than 30 days after receipt  
854 of the request, the Administrator is deemed to consent to the payment or delivery of the property  
855 and the payment or delivery is considered to have been made in good faith.

856 (d) On payment or delivery of property under subsection (b), the property is presumed  
857 abandoned.

858 Sec. 609. Disposition of property having no substantial value; immunity from liability.

859 (a) If the Administrator takes custody of property delivered under this act and later  
860 determines that the property has no substantial commercial value or that the cost of disposing of  
861 the property will exceed the value of the property, the Administrator may return the property to  
862 the holder or destroy or otherwise dispose of the property.

863 (b) An action or proceeding may not be commenced against the District, an agency of the  
864 District, the Administrator, another officer, employee, or agent of the District, or a holder for or  
865 because of an act of the Administrator under this section, except for intentional misconduct or  
866 malfeasance.

867 Sec. 610. Periods of limitation and repose.

868 (a) Expiration, before, on, or after the effective date of this act, of a period of limitation  
869 on an owner's right to receive or recover property, whether specified by contract, statute, or court  
870 order, does not prevent the property from being presumed abandoned or affect the duty of a  
871 holder under this act to file a report or pay or deliver property to the Administrator.

872 (b) The Administrator may not commence an action or proceeding to enforce this act with  
873 respect to the reporting, payment, or delivery of property more than 10 years after the holder  
874 filed a non-fraudulent report under section 401 with the Administrator. The parties may agree in  
875 a record to extend the limitation in this subsection.

876 (c) The Administrator may not commence an action, proceeding, or examination with  
877 respect to a duty of a holder under this act more than 10 years after the duty arose.

878 TITLE 7. SALE OF PROPERTY BY ADMINISTRATOR

879 Sec. 701. Public sale of property.

880 (a) Subject to section 702, not earlier than one year after receipt of property presumed  
881 abandoned, the Administrator may sell the property.

882 (b) Before selling property under subsection (a), the Administrator shall give notice to the  
883 public of:

884 (1) the date of the sale; and

885 (2) a reasonable description of the property.

886 (c) A sale under subsection (a) must be to the highest bidder:

887 (1) at public sale at a location in the District which the Administrator determines  
888 to be the most favorable market for the property;

889 (2) on the Internet; or

890 (3) on another forum the Administrator determines is likely to yield the highest net  
891 proceeds of sale.

892 (d) The Administrator may decline the highest bid at a sale under this section and reoffer  
893 the property for sale if the Administrator determines the highest bid is insufficient.

894 (e) If a sale held under this section is to be conducted other than on the Internet, the  
895 Administrator shall publish at least one notice of the sale, at least 3 weeks but not more than 5  
896 weeks before the sale, in a newspaper of general circulation in the District of Columbia.

897 Sec. 702. Disposal of securities.

898 (a) The Administrator may not sell or otherwise liquidate a security until 60 days after the  
899 Administrator receives the security and gives the apparent owner notice under section 503 that  
900 the Administrator holds the security.

901 (b) The Administrator may not sell a security listed on an established stock exchange for  
902 less than the price prevailing on the exchange at the time of sale. The Administrator may sell a  
903 security not listed on an established exchange by any commercially-reasonable method.

904 Sec. 703. Recovery of securities or value by owner.

905 (a) If the Administrator sells a security before the expiration of 60 days after delivery of  
906 the security to the Administrator, an apparent owner that files a valid claim under this act of  
907 ownership of the security before the 60-day period expires is entitled, at the option of the  
908 Administrator, to receive:

909 (1) replacement of the security; or

910 (2) the market value of the security at the time the claim is filed, plus dividends,  
911 interest, and other increments on the security up to the time the claim is paid.



912 (b) Replacement of the security or calculation of market value under subsection (a) must  
913 take into account a stock split, reverse stock split, stock dividend, or similar corporate action.

914 (c) A person that makes a valid claim under this act of ownership of a security after  
915 expiration of 60 days after delivery of the security to the Administrator is entitled to receive:

916 (1) the security the holder delivered to the Administrator, if it is in the custody of  
917 the Administrator, plus dividends, interest, and other increments on the security up to the time  
918 the Administrator delivers the security to the person; or

919 (2) the net proceeds of the sale of the security; plus dividends, interest, and other  
920 increments on the security up to the time the security was sold.

921 Sec. 704. Purchaser owns property after sale.

922 A purchaser of property at a sale conducted by the Administrator under this act takes the  
923 property free of all claims of the owner, a previous holder, or a person claiming through the  
924 owner or holder. The Administrator shall execute documents necessary to complete the transfer  
925 of ownership to the purchaser.

926 Sec. 705. Military medal or decoration.

927 (a) The Administrator may not sell a medal or decoration awarded for military service in  
928 the armed forces of the United States.

929 (b) The Administrator, with the consent of the respective organization under paragraph  
930 (1), agency under paragraph (2), or entity under paragraph (3), may deliver a medal or decoration  
931 described in subsection (a) to be held in custody for the owner, to:

932 (1) a military veterans organization qualified under the Internal Revenue Code, as  
933 amended, 26 U.S.C. § 501(c)(19);

934 (2) the agency that awarded the medal or decoration; or

935 (3) a governmental entity.

936 (c) On delivery under subsection (b), the Administrator is not responsible for safekeeping  
937 the medal or decoration.

938 TITLE 8. ADMINISTRATION OF PROPERTY

939 Sec. 801. Deposit of funds by Administrator.

940 (a) Except as otherwise provided in this section, the Administrator shall deposit in the  
941 General Fund of the District all funds received under this act, including proceeds from the sale of  
942 property under Title 7.

943 (b) The Administrator shall maintain an account with an amount of funds the  
944 Administrator reasonably estimates is sufficient to pay claims allowed under this act in each  
945 fiscal year. If the aggregate amount of claims by owners allowed at any time exceeds the amount  
946 held in the account, an excess claim must be paid out of the general funds of the District.

947 Sec. 802. Administrator to retain records of property.

948 The Administrator shall:

949 (1) record and retain the name and last-known address of each person shown on a report  
950 filed under section 401 to be the apparent owner of property delivered to the Administrator;

951 (2) record and retain the name and last-known address of each insured or annuitant and  
952 beneficiary shown on the report;

953 (3) for each policy of insurance or annuity contract listed in the report of an insurance  
954 company, record and retain the policy or account number, the name of the company, and the  
955 amount due or paid; and

956 (4) for each apparent owner listed in the report, record and retain the name of the holder  
957 that filed the report and the amount due or paid.

958 Sec. 803. Expenses and service charges of Administrator.

959 Before making a deposit of funds received under this act to the General Fund of the  
960 District, the Administrator may deduct:

961 (1) expenses of disposition of property delivered to the Administrator under this act;

962 (2) costs of mailing and publication in connection with property delivered to the

963 Administrator under this act;

964 (3) reasonable service charges; and

965 (4) expenses incurred in examining records of or collecting property from a putative

966 holder or holder.

967 Sec. 804. Administrator holds property as custodian for owner.

968 Property received by the Administrator under this act is held in custody for the benefit of  
969 the owner and is not owned by the District.

## 970 TITLE 9. CLAIM TO RECOVER PROPERTY FROM ADMINISTRATOR

971 Sec. 901. Claim of another state to recover property.

972 (a) If the Administrator knows that property held by the Administrator under this act is  
973 subject to a superior claim of another state, the Administrator shall:

974 (1) report and pay or deliver the property to the other state; or

975 (2) return the property to the holder so that the holder may pay or deliver the  
976 property to the other state.

977 (b) The Administrator is not required to enter into an agreement to transfer property to  
978 the other state under subsection (a).

979 Sec. 902. When property subject to recovery by another state.

980 (a) Property held under this act by the Administrator is subject to the right of another  
981 state to take custody of the property if:

982 (1) the property was paid or delivered to the Administrator because the records of  
983 the holder did not reflect a last-known address in the other state of the apparent owner and:

984 (A) the other state establishes that the last-known address of the apparent  
985 owner or other person entitled to the property was in the other state; or

986 (B) under the law of the other state, the property has become subject to a  
987 claim by the other state of abandonment;

988 (2) the records of the holder did not accurately identify the owner of the property,  
989 the last-known address of the owner was in another state, and, under the law of the other state,  
990 the property has become subject to a claim by the other state of abandonment;

991 (3) the property was subject to the custody of the Administrator of the District  
992 under section 305 and, under the law of the state of domicile of the holder, the property has  
993 become subject to a claim by the state of domicile of the holder of abandonment; or

994 (4) the property:

995 (A) is a sum payable on a traveler's check, money order, or similar  
996 instrument that was purchased in the other state and delivered to the Administrator under section  
997 306; and

998 (B) under the law of the other state, has become subject to a claim by the  
999 other state of abandonment.

1000 (b) A claim by another state to recover property under this section must be presented in a  
1001 form prescribed by the Administrator, unless the Administrator waives presentation of the form.

1002 (c) The Administrator shall decide a claim under this section not later than 90 days after it  
1003 is presented. If the Administrator determines that the other state is entitled under subsection (a)  
1004 to custody of the property, the Administrator shall allow the claim and pay or deliver the  
1005 property to the other state.

1006 (d) The Administrator may require another state, before recovering property under this  
1007 section, to agree to indemnify the District and its agents, officers and employees against any  
1008 liability on a claim to the property.

1009 Sec. 903. Claim for property by person claiming to be owner.

1010 (a) A person claiming to be the owner of property held under this act by the  
1011 Administrator may file a claim for the property on a form prescribed by the Administrator. The  
1012 claimant shall verify the claim as to its completeness and accuracy.

1013 (b) The Administrator may waive the requirement in subsection (a) and may pay or  
1014 deliver property directly to a person if:

1015 (1) the person receiving the property or payment is shown to be the apparent  
1016 owner included on a report filed under section 401;

1017 (2) the Administrator reasonably believes the person is entitled to receive the  
1018 property or payment; and

1019 (3) the property has a value of less than \$500.

1020 Sec. 904. When Administrator must honor claim for property.

1021 (a) The Administrator shall pay or deliver property to a claimant under section 903(a) if  
1022 the Administrator receives evidence sufficient to establish to the satisfaction of the Administrator  
1023 that the claimant is the owner of the property.

1024 (b) Not later than 90 days after a claim is filed under section 903(a), the Administrator  
1025 shall allow or deny the claim and give the claimant notice in a record of the decision.

1026 (c) If the claim is denied under subsection (b):

1027 (1) the Administrator shall inform the claimant of the reason for the denial and  
1028 specify what additional evidence, if any, is required for the claim to be allowed;

1029 (2) the claimant may file an amended claim with the Administrator or commence  
1030 an action under section 906; and

1031 (3) the Administrator shall consider an amended claim filed under paragraph (2)  
1032 as an initial claim.

1033 (d) If the Administrator does not take action on a claim during the 90-day period  
1034 following the filing of a claim under section 903(a), the claim is deemed denied.

1035 Sec. 905. Allowance of claim for property.

1036 (a) Not later than 45 days after a claim is allowed under section 904(b), the Administrator  
1037 shall pay or deliver to the owner the property or pay to the owner the net proceeds of a sale of the  
1038 property, together with income or gain to which the owner is entitled under section 607. On  
1039 request of the owner, the Administrator may sell or liquidate a security and pay the net proceeds  
1040 to the owner, even if the security had been held by the Administrator for less than 60 days or the  
1041 Administrator has not complied with the notice requirements under section 702.

1042 (b) Property held under this act by the Administrator is subject to a claim for the payment  
1043 of an enforceable debt the owner owes in the District for:

1044 (1) child-support arrearages, including child-support collection costs and child-  
1045 support arrearages that are combined with maintenance;

1046 (2) a civil or criminal fine or penalty, court costs, a surcharge, or restitution  
1047 imposed by a final order of an administrative agency or a final court judgment; or

1048 (3) District taxes, penalties, and interest that have been determined to be  
1049 delinquent, including delinquent debts under Delinquent Debt Recovery Act of 2012, effective  
1050 September 20, 2012, (D.C. Law 19-168, Title I, Subtitle E) and collection fees owed to the  
1051 Central Collection Unit under Chapter 38 of Title 9 of the District of Columbia Municipal  
1052 Regulations.

1053 (c) Before delivery or payment to an owner under subsection (a) of property or payment  
1054 to the owner of net proceeds of a sale of the property, the Administrator first shall apply the  
1055 property or net proceeds to a debt under subsection (b) the Administrator determines is owed by  
1056 the owner. The Administrator shall pay the amount to the appropriate District agency and notify  
1057 the owner of the payment, unless another District agency is required to notify the owner of the  
1058 payment.

1059 (d) The Administrator may make periodic inquiries of District agencies in the absence of  
1060 a claim filed under section 903 to determine whether an apparent owner included in the  
1061 unclaimed-property records of the District has an enforceable debt described in subsection (b).  
1062 The Administrator first shall apply the property or net proceeds of a sale of property held by the  
1063 Administrator to a debt under subsection (b) of an apparent owner which appears in the records  
1064 of the Administrator and deliver the amount to the appropriate District agency. The  
1065 Administrator shall notify the apparent owner of the payment, unless another District agency is  
1066 required to notify the owner of the payment.

1067 Sec. 906. Action by person whose claim is denied.

1068 Not later than one year after filing a claim under section 903(a), the claimant may  
1069 commence an action against the Administrator in the Superior Court to establish a claim that has  
1070 been denied or deemed denied under section 903(d).

1071 TITLE 10. VERIFIED REPORT OF PROPERTY; EXAMINATION OF RECORDS

1072 Sec. 1001. Verified report of property.

1073 If a person does not file a report required by section 401 or the Administrator believes  
1074 that a person may have filed an inaccurate, incomplete, or false report, the Administrator may  
1075 require the person to file a verified report in a form prescribed by the Administrator. The  
1076 verified report must:

1077 (1) state whether the person is holding property reportable under this act;

1078 (2) describe property not previously reported or about which the Administrator has  
1079 inquired;

1080 (3) specifically identify property described under paragraph (2) about which there is a  
1081 dispute whether it is reportable under this act; and

1082 (4) state the amount or value of the property.

1083 Sec. 1002. Examination of records to determine compliance.

1084 The Administrator, at reasonable times and on reasonable notice, may:

1085 (1) examine the records of a person, including examination of appropriate records in the  
1086 possession of an agent of the person under examination, if the records are reasonably necessary  
1087 to determine whether the person has complied with this act;

1088 (2) apply to the Superior Court for the issuance of a subpoena requiring the person or  
1089 agent of the person to make records available for examination; and



1090 (3) request that the Attorney General bring an action seeking judicial enforcement of the  
1091 subpoena.

1092 Sec. 1003. Rules for conducting examination.

1093 (a) The Administrator shall adopt rules governing procedures and standards for an  
1094 examination under section 1002, including rules for use of an estimation, extrapolation, and  
1095 statistical sampling in conducting an examination.

1096 (b) An examination under section 1002 must be performed under rules adopted under  
1097 subsection (a) and with generally accepted examination practices and standards applicable to an  
1098 unclaimed-property examination.

1099 (c) If a person subject to examination under section 1002 has filed the reports required  
1100 under sections 401 and 1001 and has retained the records required by section 404, the following  
1101 rules apply:

1102 (1) The examination must include a review of the person's records.

1103 (2) The examination may not be based on an estimate unless the person expressly  
1104 consents in a record to the use of an estimate.

1105 (3) The person conducting the examination shall consider the evidence presented  
1106 in good faith by the person in preparing the findings of the examination under section 1007.

1107 Sec. 1004. Records obtained in examination.

1108 Records obtained and records, including work papers, compiled by the Administrator in  
1109 the course of conducting an examination under section 1002:

1110 (1) are subject to the confidentiality and security provisions of Title 14 and are not public  
1111 records;

1112 (2) may be used by the Administrator in an action to collect property or otherwise enforce  
1113 this act;

1114 (3) may be used in a joint examination conducted with another state, the United States, a  
1115 foreign country or subordinate unit of a foreign country, or any other governmental entity if the  
1116 governmental entity conducting the examination is legally bound to maintain the confidentiality  
1117 and security of information obtained from a person subject to examination in a manner  
1118 substantially equivalent to Title 14;

1119 (4) must be disclosed, on request, to the person that administers the unclaimed property  
1120 law of another state for that state's use in circumstances equivalent to circumstances described in  
1121 this title, if the other state is required to maintain the confidentiality and security of information  
1122 obtained in a manner substantially equivalent to Title 14;

1123 (5) must be produced by the Administrator under an administrative or judicial subpoena  
1124 or administrative or court order; and

1125 (6) must be produced by the Administrator on request of the person subject to the  
1126 examination in an administrative or judicial proceeding relating to the property.

1127 Sec. 1005. Evidence of unpaid debt or undischarged obligation.

1128 (a) A record of a putative holder showing an unpaid debt or undischarged obligation is  
1129 prima facie evidence of the debt or obligation.

1130 (b) A putative holder may establish by a preponderance of the evidence that there is no  
1131 unpaid debt or undischarged obligation for a debt or obligation described in subsection (a) or that  
1132 the debt or obligation was not, or no longer is, a fixed and certain obligation of the putative  
1133 holder.

1134 (c) A putative holder may overcome prima facie evidence under subsection (a) by  
1135 establishing by a preponderance of the evidence that a check, draft, or similar instrument was:

1136 (1) issued as an unaccepted offer in settlement of an unliquidated amount;

1137 (2) issued but later was replaced with another instrument because the earlier  
1138 instrument was lost or contained an error that was corrected;

1139 (3) issued to a party affiliated with the issuer;

1140 (4) paid, satisfied, or discharged;

1141 (5) issued in error;

1142 (6) issued without consideration;

1143 (7) issued but there was a failure of consideration;

1144 (8) voided not later than 90 days after issuance for a valid business reason set  
1145 forth in a contemporaneous record; or

1146 (9) issued but not delivered to the third-party payee for a sufficient reason  
1147 recorded within a reasonable time after issuance.

1148 (d) In asserting a defense under this section, a putative holder may present evidence of a  
1149 course of dealing between the putative holder and the apparent owner or of custom and practice.

1150 Sec. 1006. Failure of person examined to retain records.

1151 If a person subject to examination under section 1002 does not retain the records required  
1152 by section 404, the Administrator may determine the value of property due using a reasonable  
1153 method of estimation based on all information available to the Administrator, including  
1154 extrapolation and use of statistical sampling when appropriate and necessary, consistent with  
1155 examination procedures and standards adopted under section 1003(a) and in accord with section  
1156 1003(b).

1157 Sec. 1007. Report to person whose records were examined.

1158 At the conclusion of an examination under section 1002, the Administrator shall provide  
1159 to the person whose records were examined a complete and unredacted examination report that  
1160 specifies:

1161 (1) the work performed;

1162 (2) the property types reviewed;

1163 (3) the methodology of any estimation technique, extrapolation, or statistical sampling  
1164 used in conducting the examination;

1165 (4) each calculation showing the value of property determined to be due; and

1166 (5) the findings of the person conducting the examination.

1167 Sec. 1008. Complaint to Administrator about conduct of person conducting examination.

1168 (a) If a person subject to examination under section 1002 believes the person conducting  
1169 the examination has made an unreasonable or unauthorized request or is not proceeding  
1170 expeditiously to complete the examination, the person in a record may ask the Administrator to  
1171 intervene and take appropriate remedial action, including countermanding the request of the  
1172 person conducting the examination, imposing a time limit for completion of the examination, or  
1173 reassigning the examination to another person.

1174 (b) If a person in a record requests a conference with the Administrator to present matters  
1175 that are the basis of a request under subsection (a), the Administrator shall hold the conference  
1176 not later than 30 days after receiving the request. The Administrator may hold the conference in  
1177 person, by telephone, or by electronic means.

1178 (c) If a conference is held under subsection (b), not later than 30 days after the conference  
1179 ends, the Administrator shall provide a report in a record of the conference to the person that  
1180 requested the conference.

1181 Sec. 1009. Administrator's contract with another to conduct examination.

1182 (a) In this section, "related to the Administrator" means an individual who is:

1183 (1) the Administrator's spouse, partner in a civil union, domestic partner, or  
1184 reciprocal beneficiary;

1185 (2) the Administrator's child, stepchild, grandchild, parent, stepparent, sibling,  
1186 step-sibling, half-sibling, aunt, uncle, niece, or nephew;

1187 (3) a spouse, partner in a civil union, domestic partner, or reciprocal beneficiary  
1188 of an individual under paragraph (2); or

1189 (4) any individual residing in the Administrator's household.

1190 (b) The Administrator may contract with a person to conduct an examination under this  
1191 title.

1192 (c) If the person with which the Administrator contracts under subsection (b) is:

1193 (1) an individual, the individual may not be related to the Administrator; or

1194 (2) a business entity, the entity may not be owned in whole or in part by the  
1195 Administrator or an individual related to the Administrator.

1196 (d) At least 60 days before assigning a person under contract with the Administrator  
1197 under subsection (b) to conduct an examination, the Administrator shall demand in a record that  
1198 the person to be examined submit a report and deliver property that is previously unreported.

1199 (e) If the Administrator contracts with a person under subsection (b):

1200 (1) the contract may provide for compensation of the person based on a fixed fee,  
1201 hourly fee, or contingent fee;

1202 (2) a contingent fee arrangement may not provide for a payment that exceeds 10  
1203 percent of the amount or value of property paid or delivered as a result of the examination,  
1204 except for contracts in force on the effective date of this act; and

1205 (3) on request by a person subject to examination by a contractor, the  
1206 Administrator shall deliver to the person a complete and unredacted copy of the contract and any  
1207 contract between the contractor and a person employed or engaged by the contractor to conduct  
1208 the examination.

1209 (f) A contract under subsection (b) is subject to public disclosure without redaction under  
1210 District of Columbia Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96,  
1211 D.C. Official Code § 2-531 *et seq.*).

1212 Sec. 1010. Limit on future employment.

1213 The Administrator or an individual employed by the Administrator who participates in,  
1214 recommends, or approves the award of a contract under section 1009(b) is subject to the Code of  
1215 Conduct, or other ethical rules, applicable to employees in the Office of the Chief Financial  
1216 Officer concerning post-employment conflicts of interest.

1217 Sec. 1011. Report by Administrator at request of Mayor or Council.

1218 (a) Pursuant to a request of the Mayor or the Council of the District of Columbia, the  
1219 Administrator shall compile and submit a report containing information about property presumed  
1220 abandoned for the preceding fiscal year for the District: The information requested may include:

1221 (1) the total amount and value of all property paid or delivered under this act to  
1222 the Administrator;

1223 (2) the name of and amount paid to each contractor under section 1009 and the  
1224 percentage the total compensation paid to all contractors under section 1009 bears to the total  
1225 amount paid or delivered to the Administrator as a result of all examinations performed under  
1226 section 1009;

1227 (3) the total amount and value of all property paid or delivered by the  
1228 Administrator to persons that made claims for property held by the Administrator under this act  
1229 and the percentage the total payments made and value of property delivered to claimants bears to  
1230 the total amounts paid and value delivered to the Administrator; and

1231 (4) the total amount of claims made by persons claiming to be owners.

1232 (b) The report under subsection (a) is a public record subject to public disclosure without  
1233 redaction under the District of Columbia Freedom of Information Act, effective March 25, 1977  
1234 (D.C. Law 1-96, D.C. Official Code § 2-531 *et seq.*

## 1235 TITLE 11. DETERMINATION OF LIABILITY; PUTATIVE HOLDER REMEDIES

1236 Sec. 1101. Determination of liability for unreported reportable property.

1237 If the Administrator determines from an examination conducted under section 1002 that a  
1238 putative holder failed or refused to pay or deliver to the Administrator property which is  
1239 reportable under this act, the Administrator shall issue a determination of the putative holder's  
1240 liability to pay or deliver and give notice in a record to the putative holder of the determination.

1241 Sec. 1102. Informal conference.

1242 (a) Not later than 30 days after receipt of a notice under section 1101, the putative holder  
1243 may request an informal conference with the Administrator to review the determination. Except  
1244 as otherwise provided in this section, the Administrator may designate an employee to act on  
1245 behalf of the Administrator.

1246 (b) If a putative holder makes a timely request under subsection (a) for an informal  
1247 conference:

1248 (1) not later than 20 days after the date of the request, the Administrator shall set  
1249 the time and place of the conference;

1250 (2) the Administrator shall give the putative holder notice in a record of the time  
1251 and place of the conference;

1252 (3) the conference may be held in person, by telephone, or by electronic means, as  
1253 determined by the Administrator;

1254 (4) the request tolls the 90-day period under section 1103 until notice of a  
1255 decision under paragraph (7) has been given to the putative holder or the putative holder  
1256 withdraws the request for the conference;

1257 (5) the conference may be postponed, adjourned, and reconvened as the  
1258 Administrator determines appropriate;

1259 (6) the Administrator or Administrator's designee with the approval of the  
1260 Administrator may modify a determination made under section 1101 or withdraw it; and

1261 (7) the Administrator shall issue a decision in a record and provide a copy of the  
1262 record to the putative holder and examiner not later than 20 days after the conference ends.

1263 (c) A conference under subsection (b) is not an administrative remedy and is not a  
1264 contested case subject to the District of Columbia Administrative Procedure Act, approved  
1265 October 21, 1968 (92 Stat. 1205, D.C. Official Code § 2-501 *et seq.*). An oath is not required  
1266 and rules of evidence do not apply in the conference.



1267 (d) At a conference under subsection (b), the putative holder must be given an  
1268 opportunity to confer informally with the Administrator and the person that examined the records  
1269 of the putative holder to:

1270 (1) discuss the determination made under section 1101; and

1271 (2) present any issue concerning the validity of the determination.

1272 (e) If the Administrator fails to act within the period prescribed in subsection (b)(1) or  
1273 (7), the failure does not affect a right of the Administrator, except that interest does not accrue on  
1274 the amount for which the putative holder was determined to be liable under section 1101 during  
1275 the period in which the Administrator failed to act until the earlier of:

1276 (1) the date the putative holder requests a hearing under section 1103; or

1277 (2) 90 days after the putative holder received notice of the Administrator's  
1278 determination under section 1101 if the putative holder did not request a hearing under section  
1279 1103.

1280 (f) The Administrator may hold an informal conference with a putative holder about a  
1281 determination under Section 1101 without a request at any time before the putative holder  
1282 requests a hearing under section 1103.

1283 (g) Interest and penalties under section 1204 continue to accrue on property not reported,  
1284 paid, or delivered as required by this act after the initiation, and during the pendency, of an  
1285 informal conference under this section.

1286 Sec. 1103. Review of Administrator's determination.

1287 (a) Not later than 90 days after receiving notice of the Administrator's determination  
1288 under Section 1101, a putative holder may request a hearing on the Administrator's  
1289 determination by the Office of Administrative Hearings, which shall make findings of fact and

1290 conclusions of law and render a final order in accordance with the District of Columbia  
1291 Administrative Procedure Act, approved October 21, 1968 (92 Stat. 1205, D.C. Official Code §  
1292 2-501 *et seq.*).

1293 (b) A final decision in a proceeding under subsection (a) is subject to judicial review by  
1294 the District of Columbia Court of Appeals.

1295 TITLE 12. ENFORCEMENT

1296 Sec. 1201. Judicial action to enforce liability.

1297 (a) If a determination under section 1101 becomes final and is not subject to  
1298 administrative or judicial review, the Administrator may request that the Attorney General bring  
1299 an action in the Superior Court or in an appropriate court of another state to enforce the  
1300 determination and secure payment or delivery of past due, unpaid, or undelivered property. The  
1301 action must be brought not later than one year after the determination becomes final.

1302 (b) In an action under subsection (a), if no court in the District has jurisdiction over the  
1303 defendant, the Attorney General may commence an action in any court having jurisdiction over  
1304 the defendant.

1305 Sec. 1202. Interstate and international agreement; cooperation.

1306 (a) Subject to subsection (b), the Administrator may:

1307 (1) exchange information with another state or foreign country relating to  
1308 property presumed abandoned or relating to the possible existence of property presumed  
1309 abandoned; and

1310 (2) authorize in a record another state or foreign country or a person acting on  
1311 behalf of the other state or country to examine its records of a putative holder as provided in Title  
1312 10.

1313 (b) An exchange or examination under subsection (a) may be done only if the state or  
1314 foreign country has confidentiality and security requirements substantially equivalent to those in  
1315 Title 14 or agrees in a record to be bound by the District's confidentiality and security  
1316 requirements.

1317 Sec. 1203. Action involving another state or foreign country.

1318 (a) The Administrator may request that the Attorney General join another state or foreign  
1319 country to examine and seek enforcement of this act against a putative holder.

1320 (b) On request of another state or foreign country, the Attorney General may commence  
1321 an action on behalf of the other state or country to enforce, in the District, the law of the other  
1322 state or country against a putative holder subject to a claim by the other state or country, if the  
1323 other state or country agrees to pay costs incurred by the Attorney General in the action.

1324 (c) The Administrator may request the official authorized to enforce the unclaimed  
1325 property law of another state or foreign country to commence an action to recover property in the  
1326 other state or country on behalf of the Administrator. The District shall pay the costs, including  
1327 reasonable attorney's fees and expenses, incurred by the other state or foreign country in an  
1328 action under this subsection.

1329 (d) The Administrator may request that the Attorney General pursue an action on behalf  
1330 of the District to recover property subject to this act but delivered to the custody of another state  
1331 if the Administrator believes the property is subject to the custody of the Administrator.

1332 (e) The Administrator, with the approval of the Attorney General, may retain an attorney  
1333 in the District, another state or a foreign country to commence an action to recover property on  
1334 behalf of the Administrator and may agree to pay attorney's fees based in whole or in part on a  
1335 fixed fee, hourly fee, or a percentage of the amount or value of property recovered in the action.

1336 (f) Expenses incurred by the District in an action under this section may be paid from  
1337 property received under this act or the net proceeds of the property. Expenses paid to recover  
1338 property may not be deducted from the amount that is subject to a claim under this act by the  
1339 owner.

1340 Sec. 1204. Interest and penalty for failure to act in timely manner.

1341 (a) A holder that fails to report, pay, or deliver property within the time prescribed by this  
1342 act shall pay to the Administrator interest at 10% per year on the property or value of the  
1343 property from the date the property should have been reported, paid, or delivered to the  
1344 Administrator until the date reported, paid, or delivered.

1345 (b) Except as otherwise provided in section 1205 or 1206, the Administrator may require  
1346 a holder that fails to report, pay, or deliver property within the time prescribed by this act to pay  
1347 to the Administrator, in addition to interest included under subsection (a), a civil penalty of \$200  
1348 for each day the duty is not performed, up to a cumulative maximum amount of \$5,000.

1349 Sec. 1205. Other civil penalties.

1350 (a) If a holder enters into a contract or other arrangement for the purpose of evading an  
1351 obligation under this act or otherwise willfully fails to perform a duty imposed on the holder  
1352 under this act, the Administrator may require the holder to pay the Administrator, in addition to  
1353 interest as provided in section 1204(a), a civil penalty of \$1,000 for each day the obligation is  
1354 evaded or the duty is not performed, up to a cumulative maximum amount of \$25,000, plus 25  
1355 percent of the amount or value of property that should have been but was not reported, paid, or  
1356 delivered as a result of the evasion or failure to perform.

1357 (b) If a holder makes a fraudulent report under this act, the Administrator may require the  
1358 holder to pay to the Administrator, in addition to interest under section 1204(a), a civil penalty of

1359 \$1,000 for each day from the date the report was made until corrected, up to a cumulative  
1360 maximum of \$25,000, plus 25 percent of the amount or value of any property that should have  
1361 been reported but was not included in the report or was underreported.

1362 Sec. 1206. Waiver of interest and penalty.

1363 The Administrator:

1364 (1) may waive, in whole or in part, interest under section 1204(a) and penalties under  
1365 section 1204(b) or 1205; and

1366 (2) shall waive a penalty under section 1204(b) if the Administrator determines that the  
1367 holder acted in good faith and without negligence.

1368 Sec. 1207. Right to administrative hearing; entry of civil judgment by Superior Court.

1369 (a) A holder is entitled to a hearing on the Administrator's imposition of a civil penalty or  
1370 interest under section 1204 or a civil penalty under section 1205 by the Office of Administrative  
1371 Hearings, which shall make findings of fact and conclusions of law and render a final order in  
1372 accordance with the District of Columbia Administrative Procedure Act, approved October 21,  
1373 1968 (92 Stat. 1205, D.C. Official Code § 2-501 *et seq.*).

1374 (b) The Administrator may cause a final order requiring a holder to pay a civil penalty,  
1375 interest, or costs entered by the Office of Administrative Hearings under subsection (c) as a  
1376 judgment against the holder by requesting that the Attorney General file an action to enter the  
1377 civil penalty, interest, or costs to as a civil judgment.

1378 TITLE 13. AGREEMENT TO LOCATE PROPERTY OF APPARENT OWNER HELD BY  
1379 ADMINISTRATOR

1380 Sec. 1301. When agreement to locate property enforceable.

1381 An agreement by an apparent owner and another person, the primary purpose of which is  
1382 to locate, deliver, recover, or assist in the location, delivery, or recovery of property held by the  
1383 Administrator, is enforceable only if the agreement:

1384 (1) is in a record that clearly states the nature of the property and the services to be  
1385 provided;

1386 (2) is signed by or on behalf of the apparent owner; and

1387 (3) states the amount or value of the property reasonably expected to be recovered,  
1388 computed before and after a fee or other compensation to be paid to the person has been  
1389 deducted.

1390 Sec. 1302. When agreement to locate property void.

1391 (a) Subject to subsection (b), an agreement under section 1301 is void if it is entered into  
1392 during the period beginning on the date the property was paid or delivered by a holder to the  
1393 Administrator and ending 24 months after the payment or delivery.

1394 (b) If a provision in an agreement described in subsection (a) applies to mineral proceeds  
1395 for which compensation is to be paid to the other person based in whole or in part on a part of the  
1396 underlying minerals or mineral proceeds not then presumed abandoned, the provision is void  
1397 regardless of when the agreement was entered into.

1398 (c) An agreement under subsection (a) that provides for compensation in an amount that  
1399 is unconscionable is unenforceable except by the apparent owner. An apparent owner that  
1400 believes the compensation the apparent owner has agreed to pay is unconscionable may file an  
1401 action in the Superior Court to reduce the compensation to the maximum amount that is not  
1402 unconscionable.

1403 (d) An apparent owner may assert that an agreement described in this section is void on a  
1404 ground other than it provides for payment of unconscionable compensation.

1405 (e) This section does not apply to an apparent owner's agreement with an attorney to  
1406 pursue a claim for recovery of specifically identified property held by the Administrator or to  
1407 contest the Administrator's denial of a claim for recovery of the property.

1408 Sec. 1303. Right of agent of apparent owner to recover property held by Administrator.

1409 (a) An apparent owner that contracts with another person to locate, deliver, recover, or  
1410 assist in the location, delivery, or recovery of property of the apparent owner which is held by  
1411 the Administrator may designate the person as the agent of the apparent owner. The designation  
1412 must be in a record signed by the apparent owner.

1413 (b) The Administrator shall give the agent of the apparent owner all information  
1414 concerning the property which the apparent owner is entitled to receive, including information  
1415 that otherwise is confidential information under section 1402.

1416 (c) If authorized by the apparent owner, the agent of the apparent owner may bring an  
1417 action against the Administrator on behalf of and in the name of the apparent owner.

1418 TITLE 14. CONFIDENTIALITY AND SECURITY OF INFORMATION

1419 Sec. 1401. Definitions; applicability.

1420 (a) In this title, "personal information" means:

1421 (1) information that identifies or reasonably can be used to identify an individual,  
1422 such as first and last name in combination with the individual's:

1423 (A) social security number or other government-issued number or  
1424 identifier;

1425 (B) date of birth;

1426 (C) home or physical address;  
1427 (D) electronic-mail address or other online contact information or Internet  
1428 provider address;  
1429 (E) financial account number or credit or debit card number;  
1430 (F) biometric data, health or medical data, or insurance information; or  
1431 (G) passwords or other credentials that permit access to an online or other  
1432 account;

1433 (2) personally identifiable financial or insurance information, including nonpublic  
1434 personal information defined by applicable federal law; and

1435 (3) any combination of data that, if accessed, disclosed, modified, or destroyed  
1436 without authorization of the owner of the data or if lost or misused, would require notice or  
1437 reporting under D.C. Official Code §§ 28-3851 to 28-3864. and federal privacy and data security  
1438 law, whether or not the Administrator or the Administrator's agent is subject to the law.

1439 (b) A provision of this title that applies to the Administrator or the Administrator's  
1440 records applies to an Administrator's agent.

1441 Sec. 1402. Confidential information.

1442 (a) Except as otherwise provided in this act, the following are confidential and exempt  
1443 from public inspection or disclosure:

1444 (1) records of the Administrator and the Administrator's agent related to the  
1445 administration of this act;

1446 (2) reports and records of a holder in the possession of the Administrator or the  
1447 Administrator's agent; and



1448 (3) personal information and other information derived or otherwise obtained by  
1449 or communicated to the Administrator or the Administrator's agent from an examination under  
1450 this act of the records of a person.

1451 (b) A record or other information that is confidential under law of the District other than  
1452 this act, another state, or the United States continues to be confidential when disclosed or  
1453 delivered under this act to the Administrator or Administrator's agent.

1454 Sec. 1403. When confidential information may be disclosed.

1455 (a) When reasonably necessary to enforce or implement this act, the Administrator may  
1456 disclose confidential information concerning property held by the Administrator or the  
1457 Administrator's agent only to:

1458 (1) an apparent owner or the apparent owner's personal representative, attorney,  
1459 other legal representative, relative, or agent designated under section 1303 to have the  
1460 information;

1461 (2) the personal representative other legal representative, relative of a deceased  
1462 apparent owner, agent designated under section 1303 by the deceased apparent owner, or a  
1463 person entitled to inherit from the deceased apparent owner;

1464 (3) another department or agency of the District or the United States;

1465 (4) the person that administers the unclaimed property law of another state, if the  
1466 other state accords substantially reciprocal privileges to the Administrator of the District if the  
1467 other state is required to maintain the confidentiality and security of information obtained in a  
1468 manner substantially equivalent to Title 14;

1469 (5) a person subject to an examination as required by section 1004(6).

1470 (b) Except as otherwise provided in section 1402(a), the Administrator shall include on  
1471 the website or in the database required by section 503(c)(2) the name of each apparent owner of  
1472 property held by the Administrator. The Administrator may include in published notices, printed  
1473 publications, telecommunications, the Internet, or other media and on the website or in the  
1474 database additional information concerning the apparent owner's property if the Administrator  
1475 believes the information will assist in identifying and returning property to the owner and does  
1476 not disclose personal information except the home or physical address of an apparent owner.

1477 (c) The Administrator and the Administrator's agent may not use confidential  
1478 information provided to them or in their possession except as expressly authorized by this act or  
1479 required by law other than this act.

1480 Sec. 1404. Confidentiality agreement.

1481 A person to be examined under section 1002 may require, as a condition of disclosure of  
1482 the records of the person to be examined, that each person having access to the records disclosed  
1483 in the examination execute and deliver to the person to be examined a confidentiality agreement  
1484 that:

1485 (1) is in a form that is reasonably satisfactory to the Administrator; and

1486 (2) requires the person having access to the records to comply with the provisions of this  
1487 title applicable to the person.

1488 Sec. 1405. No confidential information in notice.

1489 Except as otherwise provided in sections 501 and 502, a holder is not required under this  
1490 act to include confidential information in a notice the holder is required to provide to an apparent  
1491 owner under this act.

1492 Sec. 1406. Security of information.

1493 (a) If a holder is required to include confidential information in a report to the  
1494 Administrator, the information must be provided by a secure means.

1495 (b) If confidential information in a record is provided to and maintained by the  
1496 Administrator or Administrator's agent as required by this act, the Administrator or agent shall:

1497 (1) implement administrative, technical, and physical safeguards to protect the  
1498 security, confidentiality, and integrity of the information required by D.C. Official Code §§ 28-  
1499 3851 to 28-3864 and federal privacy and data security law whether or not the Administrator or  
1500 the Administrator's agent is subject to the law;

1501 (2) protect against reasonably anticipated threats or hazards to the security,  
1502 confidentiality, or integrity of the information; and

1503 (3) protect against unauthorized access to or use of the information which could  
1504 result in substantial harm or inconvenience to a holder or the holder's customers, including  
1505 insureds, annuitants, and policy or contract owners and their beneficiaries.

1506 (c) The Administrator:

1507 (1) after notice and comment, shall adopt and implement a security plan that  
1508 identifies and assesses reasonably foreseeable internal and external risks to confidential  
1509 information in the Administrator's possession and seeks to mitigate the risks; and

1510 (2) shall ensure that an Administrator's agent adopts and implements a similar  
1511 plan with respect to confidential information in the agent's possession.

1512 (d) The Administrator and the Administrator's agent shall educate and train their  
1513 employees regarding the plan adopted under subsection (c).

1514 (e) The Administrator and the Administrator's agent shall in a secure manner return or  
1515 destroy all confidential information no longer reasonably needed under this act.

1516 Sec. 1407. Security breach.

1517 (a) Except to the extent prohibited by law other than this act, the Administrator or  
1518 Administrator's agent shall notify a holder as soon as practicable of:

1519 (1) a suspected loss, misuse or unauthorized access, disclosure, modification, or  
1520 destruction of confidential information obtained from the holder in the possession of the  
1521 Administrator or an Administrator's agent; and

1522 (2) any interference with operations in any system hosting or housing confidential  
1523 information which:

1524 (A) compromises the security, confidentiality, or integrity of the  
1525 information; or

1526 (B) creates a substantial risk of identity fraud or theft.

1527 (b) Except as necessary to inform an insurer, attorney, investigator, or others as required  
1528 by law, the Administrator and an Administrator's agent may not disclose, without the express  
1529 consent in a record of the holder, an event described in subsection (a) to a person whose  
1530 confidential information was supplied by the holder.

1531 (c) If an event described in subsection (a) occurs, the Administrator and the  
1532 Administrator's agent shall:

1533 (1) take action necessary for the holder to understand and minimize the effect of  
1534 the event and determine its scope; and

1535 (2) cooperate with the holder with respect to:

1536 (A) any notification required by law concerning a data or other security  
1537 breach; and

1538 (B) a regulatory inquiry, litigation, or similar action.

1539 Sec. 1408. Indemnification for breach.

1540 (a) If a claim is made or action commenced arising out of an event described in section  
1541 1407(a) relating to confidential information possessed by an Administrator's agent, the  
1542 Administrator's agent shall indemnify, defend, and hold harmless a holder and the holder's  
1543 affiliates, officers, directors, employees, and agents as to:

1544 (1) any claim or action and

1545 (2) a liability, obligation, loss, damage, cost, fee, penalty, fine, settlement, charge,  
1546 or other expense, including reasonable attorney's fees and costs, established by the claim or  
1547 action.

1548 (b) The Administrator shall require an Administrator's agent that will receive confidential  
1549 information required under this act to maintain adequate insurance for indemnification  
1550 obligations of the Administrator's agent under subsection (a). The agent required to maintain the  
1551 insurance shall provide evidence of the insurance to:

1552 (1) the Administrator not less frequently than annually; and

1553 (2) the holder on commencement of an examination and annually thereafter until  
1554 all confidential information is returned or destroyed under section 1406(e).

1555 TITLE 15. MISCELLANEOUS PROVISIONS

1556 Sec. 1501. Uniformity of application and construction.

1557 In applying and construing this uniform act consideration must be given to the need to  
1558 promote uniformity of the law with respect to its subject matter among states that enact it.

1559 Sec. 1502. Relation to electronic signatures in global and national commerce act.

1560 This act modifies, limits, or supersedes the Electronic Signatures in Global and National  
1561 Commerce Act, 15 U.S.C. § 7001 *et seq.*, but does not modify, limit, or supersede section 101(c)

1562 of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described  
1563 in section 103(b) of that act, 15 U.S.C. § 7003(b).

1564 Sec. 1503. Transitional provision.

1565 (a) An initial report filed under this act for property that was not required to be reported  
1566 before the effective date of this act, but that is required to be reported under this act, must include  
1567 all items of property that would have been presumed abandoned during the 10-year period  
1568 preceding the effective date of this act as if this act had been in effect during that period.

1569 (b) This act does not relieve a holder of a duty that arose before the effective date of this  
1570 act to report, pay, or deliver property. Subject to section 610(b) and (c), a holder that did not  
1571 comply with the law governing unclaimed property before the effective date of this act is subject  
1572 to applicable provisions for enforcement and penalties in effect before the effective date of this  
1573 act.

1574 Sec. 1504. Conforming amendments

1575 (a) The Uniform Disposition of Unclaimed Property Act of 1980, effective March 5,  
1576 1981 (D.C. Law 3-160; D.C. Official Code § 41-101 *et seq.*) is repealed.

1577 (b) Section 204(a) of Title II of the District of Columbia Administrative Procedure Act,  
1578 effective March 25, 1977 (D.C. Law 1-96; D. C. Code § 2-531 *et seq.*), is amended by adding the  
1579 following new paragraph (17):

1580 “(17) information exempt from disclosure under Title 14 of the Unclaimed Property Act  
1581 Revision Act of 2017.”

1582 (c) Section 6 of the Office of Administrative Hearings Establishment Act of 2001,  
1583 effective March 6, 2002 (D.C. Law 14-76; D.C. § 2-1831.03), is amended by adding a new  
1584 subsection (b-12) to read as follows:

1585           “(b-12). This act shall apply to all adjudicated cases authorized by sections 1103 and  
1586 1207 of the Unclaimed Property Act Revision Act of 2017.”

1587           (d) Chapter V of the Life Insurance Act, approved June 19, 1934 (48 Stat. 1128; D.C.  
1588 Official Code § 35-4701 *et seq.*), is amended by adding the following new section 31 to read as  
1589 follows:

1590           “Sec. 31. Duty of insurers to compare names of insureds with death master file and to  
1591 locate beneficiaries.

1592           “(a) For purposes of this section:

1593                   “(1) “Contract” means an annuity contract. The term does not include an annuity  
1594 used to fund an employment-based retirement plan or program if:

1595                           “(A) the insurer does not perform the record keeping services; or

1596                           “(B) the insurer is not committed by terms of the annuity contract to pay  
1597 death benefits to the beneficiaries of specific plan participants.

1598                   “(2) “Death master file” means the United States Social Security Administration  
1599 Death Master File or other database or service that is at least as comprehensive as the United  
1600 States Social Security Administration Death Master File for determining that an individual  
1601 reportedly has died.

1602                   “(3) “Death master file match” means a search of the death master file that results  
1603 in a match of the Social Security number or the name and date of birth of an insured, annuity  
1604 owner, or retained asset account holder.

1605                   “(4) “Knowledge of death” means:

1606                           “(A) receipt of an original or valid copy of a certified death certificate; or

1607                   “(B) a death master file match validated by the insurer in accordance with  
1608 subsection (c)(1)(A).

1609                   “(5) “Policy” means any policy or certificate of life insurance that provides a  
1610 death benefit. The term does not include:

1611                   “(A) a policy or certificate of life insurance that provides a death benefit  
1612 under an employee benefit plan:

1613                   “(i) subject to the Employee Retirement Income Security Act of  
1614 1974, 29 U.S.C. § 1002, as amended; or

1615                   “(ii) under any federal employee benefit program;

1616                   “(B) a policy or certificate of life insurance that is used to fund a pre-need  
1617 funeral contract or prearrangement;

1618                   “(C) a policy or certificate of credit life or accidental death insurance; or

1619                   “(D) a policy issued to a group master policyholder for which the insurer  
1620 does not provide record keeping services.

1621                   “(6) “Record keeping services” means those services which the insurer has agreed  
1622 with a group policy or contract customer to be responsible for obtaining, maintaining, and  
1623 administering in its own or its agents' systems information about each individual insured under  
1624 an insured's group insurance contract, or a line of coverage thereunder, at least the following  
1625 information:

1626                   “(A) Social Security number or name and date of birth;

1627                   “(B) beneficiary designation information;

1628                   “(C) coverage eligibility;

1629                   “(D) benefit amount;



1630 “(E) premium payment status.

1631 “(7) “Retained asset account” means a mechanism whereby the settlement of  
1632 proceeds payable under a policy or contract is accomplished by the insurer or an entity acting on  
1633 behalf of the insurer depositing the proceeds into an account with check or draft writing  
1634 privileges, if those proceeds are retained by the insurer or its agent, pursuant to a supplementary  
1635 contract not involving annuity benefits other than death benefits.

1636 “(b) An insurer shall make a good faith effort to determine the death of an insured upon  
1637 receipt of knowledge of death.

1638 “(c) An insurer shall perform a comparison of its insureds’ in-force policies, contracts,  
1639 and retained asset accounts against a death master file, on at least a semiannual basis, by using  
1640 the full death master file once and thereafter using the death master file update files for future  
1641 comparisons to identify potential matches of its insureds. For those potential matches identified  
1642 as a result of a death master file match, the insurer shall do the following:

1643 “(1) Within 90 days of a death master file match, the insurer shall:

1644 “(A) complete a good faith effort, which must be documented by the  
1645 insurer, to confirm the death of the insured or retained asset account holder against other  
1646 available records and information;

1647 “(B) determine whether benefits are due in accordance with the applicable  
1648 policy or contract; and if benefits are due in accordance with the applicable policy or contract:

1649 “(i) use good faith efforts, which shall be documented by the  
1650 insurer, to locate the beneficiary or beneficiaries; and

1651                   “(ii) provide the appropriate claims forms or instructions to the  
1652 beneficiary or beneficiaries to make a claim including the need to provide an official death  
1653 certificate, if applicable under the policy, contract.

1654                   “(2) With respect to group life insurance, the insurer shall confirm the possible  
1655 death of an insured if the insurer maintains at least the following information of those covered  
1656 under a policy or certificate:

1657                   “(A) Social Security number or name and date of birth;

1658                   “(B) beneficiary designation information;

1659                   “(C) coverage eligibility;

1660                   “(D) benefit amount;

1661                   “(E) premium payment status.

1662                   “(3) An insurer shall implement procedures to account for:

1663                   “(A) common nicknames, initials used in lieu of a first or middle name,  
1664 use of a middle name, compound first and middle names, and interchanged first and middle  
1665 names;

1666                   “(B) compound last names, maiden or married names, and hyphens, blank  
1667 spaces or apostrophes in last names;

1668                   “(C) transposition of the “month” and “date” portions of the date of birth;

1669 and

1670                   “(D) incomplete Social Security numbers.

1671                   (4) To the extent permitted by law, the insurer may disclose minimum necessary  
1672 personal information about the insured or beneficiary to a person who the insurer reasonably

1673 believes may be able to assist the insurer locate the beneficiary or a person otherwise entitled to  
1674 payment of the claims proceeds.

1675 “(d) An insurer or its service provider shall not charge any beneficiary or other authorized  
1676 representative for any fees or costs associated with a death master file search or verification of a  
1677 death master file match conducted pursuant to this section.

1678 “(e) The benefits from a policy, contract, or a retained asset account, plus any applicable  
1679 accrued contractual interest shall first be payable to the designated beneficiaries or owners and in  
1680 the event said beneficiaries or owners cannot be found, shall be transferred to the District as  
1681 unclaimed property pursuant to the Revised Uniform Unclaimed Property Act of 2017.

1682 “(f) An insured that fails to comply with this section is subject to the actions by the  
1683 Commissioner specified in section 6 of title II of this Act (D.C. Official Code § 31-4705).  
1684 Nothing herein shall be construed to create or imply a private cause of action for a violation of  
1685 this section.”.

1686 Sec. 1505. Fiscal impact.

1687 The Council adopts the fiscal impact statement in the committee report as the fiscal  
1688 impact statement required by section 602(c)(3) of the Home Rule Act, approved December 24,  
1689 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

1690 Sec. 1506. Effective date.

1691 This act shall take effect after approval by the Mayor (or in the event of a veto by the  
1692 Mayor, override of the veto by the Council, a 30-day period of Congressional review as provided  
1693 in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973  
1694 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia  
1695 Register.