

RESOLUTION

PRESERVING THE RIGHT OF OWNERS TO RECOVER UNCLAIMED PROPERTY FROM STATES IN PERPETUITY

Opposing legislative and other measures to limit the period of time in which an owner can recover unclaimed property transferred to the custody of a state.

WHEREAS, the fundamental purpose of state unclaimed property laws is to protect the public by ensuring that owners do not lose their rights to personal property (generally, money or other financial assets) that is justifiably theirs; and

WHEREAS, the National Association of Unclaimed Property Administrators' member states accomplish this purpose by taking custody of unclaimed property and safeguarding it until such time as it may be returned to its rightful owners; and

WHEREAS, the Uniform Unclaimed Property Acts adopted by the Uniform Law Commission have repeatedly recognized that states do not take title to unclaimed property but, instead, take custody of the property and hold it in perpetuity for the owner; and

WHEREAS, all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands have all developed successful return programs, that are generally premised on rightful owners recovering unclaimed property without any time limitation on when a claim can be filed and property returned; and

WHEREAS, rightful owners routinely claim their property from states many years after it has been reported and remitted as unclaimed property;

WHEREAS, the purpose and integrity of all state unclaimed property programs would be severely compromised if rightful owners were unnecessarily limited as to the period of time in which they could recover unclaimed property transferred to the custody of a state;

WHEREAS, limiting the period of time in which an owner can recover unclaimed property transferred to the custody would not materially impact a state's fiscal liabilities under existing accounting standards established by the Governmental Accounting Standards Board (GASB); and

WHEREAS, statutorily denying a rightful owner the ability to recover unclaimed property transferred to the custody of a state could give rise to legal challenges, including potential constitutional challenges.

NOW THEREFORE BE IT RESOLVED, that the National Association of State Treasurers and its affiliate, the National Association of Unclaimed Property Administrators, hereby opposes legislation and other measures to limit the period of time in which an owner can recover unclaimed property transferred to a state.

BE IT FURTHER RESOLVED, that the National Association of State Treasurers and its affiliate, the National Association of Unclaimed Property Administrators, fully supports the ability of a rightful owner to recover unclaimed property from a state in perpetuity.