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EMPLOYEES' RETIREMENT SYSTEM
HAWAII PUBLIC EMPLOYEES HEALTH FUND
OFFICE OF THE PUBLIC DEFENDER
PUBLIC UTILITIES COMMISSION

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION

May 24, 2000

DIRECTOR OF FINANCE MEMORANDUM

Memo No. 00-14

TO: All Department Heads

FROM: Neal Miyahira
Director of Finance

SUBJECT: Unclaimed Property Reporting

This is a reminder to state agencies of their statutory responsibilities for reporting unclaimed property. Section 523A-2.5, Hawaii Revised Statutes states:

- “(a) All intangible property, including but not limited to any interest, dividend, or other earnings thereon, less any lawful charges, held by a business association, federal, state or local government, or governmental subdivision, agency, or entity or any other person or entity, regardless of where the holder may be found, if the owner has not claimed or corresponded in writing concerning the property within three years after the date prescribed for payment or delivery, shall be presumed abandoned and shall be subject to the custody of this State as unclaimed property if:
- (1) The address of the owner is unknown; and
 - (2) The person or entity originating or issuing the intangible property is this State or any political subdivision of this State or is incorporated, organized, created, or otherwise located in this State.
- (b) Subsection (a) shall not apply to property which is or may be presumed abandoned and subject to the custody of this State pursuant to any other provisions of law containing a dormancy period different from that prescribed in subsection (a).

- (c) Subsection (a) shall apply to all property held at the time of enactment, or at any time thereafter, regardless of when the property became or becomes presumptively abandoned.”

The purpose of the Unclaimed Property Program is to collect and return abandoned property to their rightful owners.

Generally, if a check is for \$50 or more and not barred by the statute of limitations, the agency should send written notice to the apparent owner of the abandoned property at the last known address informing the owner that the agency is in possession of property subject to escheat. The specific details are contained in Chapter 523A-17, Hawaii Revised Statutes (HRS). The annual filing deadline is November 1 for the fiscal year ending June 30.

We will schedule an information session for all state departments on Friday, June 23, 2000 at 9:00 a.m. at 250 South Hotel Street, Conf. Room #1 (Room 303). Please contact Aileen Ching at 586-1613 with the names and phone numbers of the individuals who will be representing your department.

Attached are reporting forms and copies of the relevant sections of Chapter 523A, HRS. If you have any questions regarding any of this material, please contact Mr. Wayne H. Kimura, Deputy Director, Department of Budget and Finance at 586-1612 or the Unclaimed Property Program at 586-1589.

Attachments

[Section 523A-2.5] Property originated or issued by this State, any political subdivision, or any entity incorporated, organized, created, or otherwise located in this State. (a) All intangible property, including but not limited to any interest, dividend, or other earnings thereon, less any lawful charges, held by a business association, federal, state, or local government, or governmental subdivision, agency, or entity, or any other person or entity, regardless of where the holder may be found, if the owner has not claimed or corresponded in writing concerning the property within three years after the date prescribed for payment or delivery, shall be presumed abandoned and shall be subject to the custody of this State as unclaimed property if:

- (1) The address of the owner is unknown; and
- (2) The person or entity originating or issuing the intangible property is this State or any political subdivision of this State or is incorporated, organized, created, or otherwise located in this State.

(b) Subsection (a) shall not apply to property which is or may be presumed abandoned and subject to the custody of this State pursuant to any other provisions of law containing a dormancy period different from that prescribed under subsection (a).

(c) Subsection (a) shall apply to all property held at the time of enactment, or at any time thereafter, regardless of when the property became or becomes presumptively abandoned. [L 1990, c 31, Section 1; am L 1992, c 133, Section 1]

[Section 523A-17] Report of abandoned property. (a) A person holding property tangible or intangible, presumed abandoned and subject to custody as unclaimed property under this chapter shall report to the director concerning the property as provided in this section.

(b) The report shall be verified and shall include:

- (1) Except with respect to travelers checks and money orders, the name, if known, last known address, and taxpayer identification number, if any, of each person appearing from the records of the holder to be the owner of property of the value of \$50 or more presumed abandoned under this part;
- (2) In the case of unclaimed funds of \$50 or more held or owing under any life or endowment insurance policy or annuity contract, the full name, last known address, and taxpayer identification number, if any, of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;
- (3) In the case of the contents of a safe deposit box or other safekeeping repository or of other tangible property, a description of the property and the place where it is held and may be inspected by the director and any amounts owing to the holder;
- (4) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, but items of value under \$50 each may be reported in the aggregate;
- (5) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property; and
- (6) Other information the director prescribes by rule as necessary for the administration of this part.

(c) If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner or the holder has changed the holder's name while holding the property, the person shall file with the person's report all known names and addresses of each previous holder of the property.

(d) The report shall be filed before November 1 of each year as of June 30, next preceding. On written request by any person required to file a report, the director may postpone the reporting date.

(e) Not more than six months before filing the report required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under this part shall send written notice to the apparent owner at the apparent owner's last known address informing the apparent owner that the holder is in possession of property subject to this part if:

- (1) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate;
- (2) The claim of the apparent owner is not barred by the statute of limitations; and
- (3) The property has a value of \$50 or more. [L 1983, c 37, pt of Section 2; am L 1986, c 271, Subsection 2,3; am L 1991, c 56, Section 1]

State of Hawaii
Department of Budget & Finance
Unclaimed Property Branch
P.O. Box 150
Honolulu, Hawaii 96810-0150

FILE NO. _____
(Do not use this line)

DATE: _____

ANNUAL REPORT OF PROPERTY PRESUMED ABANDONED

1. Name of _____ SUMMARY SHEET
Holder: _____
Mailing _____ REPORT AS OF CLOSE OF BUSINESS ON
Address: _____ JUNE 30 – DECEMBER 31, 19
_____ (Cross out one)

**MONEYS FOR TRAVELER'S CHECKS, MONEY ORDERS, AND
PROPERTY LESS THAN \$50.00 MUST ACCOMPANY THIS REPORT**

2. SUMMARY & CLASSIFICATION OF PROPERTY DETAILED ON FOLLOWING SHEETS

- 1. _____ Total \$ _____
 - 2. _____ Total \$ _____
 - 3. _____ Total \$ _____
 - 4. _____ Total \$ _____
 - 5. _____ Total \$ _____
 - 6. _____ Total \$ _____
 - 7. _____ Total \$ _____
 - 8. _____ Total \$ _____
 - 9. _____ Items, each under \$50.00, TOTALING Total \$ _____
- TOTAL SUM REPORTED \$ _____

10. _____ Value \$ _____
(Intangible property, not in form of money)

3. If you are a successor to a previous holder of the property, or if you have changed your name, please list such prior names below.

Name _____ Address _____
Name _____ Address _____

4. STATE OF _____)
County of _____) ss.

(Name) (Title)

Being first duly sworn, on oath, deposes and says: That he is the above named holder or is authorized to make this report on behalf of the holder; that the foregoing schedule and _____ following sheets contain a full, true and complete report of all unclaimed property now in the possession or under the control of the holder, which is presumed abandoned as provided by Chapter 523A, Hawaii Revised Statutes, that the holder has taken reasonable steps to prevent abandonment from being presumed.

(Signature)

Subscribed and sworn to before me this _____ day of _____ 19_____.

Notary Public, residing at _____

(This sheet must be accompanied by Detail Sheet)

INSTRUCTIONS

SUMMARY SHEET:

1. (a) When to make report: The report must be filed with the Director of Finance before May 1st of each year, as of December 31st, next preceding, as to the life insurance companies, and before November 1st of each year, as of June 30th, next preceding, as to all other holders.
- (b) Who must report: Any holder of personal property belonging to another who, as owner thereof has not made any claim thereto or evidenced any interest therein for a period of 5 years, except for traveler's checks, 15 years, money orders, 7 years, utility deposits, court ordered refunds, payroll checks, property held by courts and public agencies 1 year, property distributable in the course of a dissolution of a business association, after date specified for final distribution. The term holder includes banking organizations, business associations, financial organizations, insurance companies, utilities, persons holding intangible personal property in a fiduciary capacity for another, state courts, public officers and agencies holding intangible personal property for the owners.
- (c) Definition of Words:
 - (1) "Banking organization" means a bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, or any organization defined by other law as a bank or banking organization.
 - (2) "Business association" means a nonpublic corporation, joint stock company, investment company, business trust, partnership, or association for business purposes of two or more individuals, whether or not for profit, including a banking organization, financial organization, insurance company, or utility.
 - (3) "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of an unincorporated person.
 - (4) "Financial organization" means a savings and loan association, cooperative bank, building and loan association, or credit union.
 - (5) "Holder" means a person, wherever organized or domiciled, who is: (a) in possession of property belonging to another, (b) a trustee, or (c) indebted to another on an obligation.
 - (6) "Insurance company" means an association, corporation, fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including accident, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life (including endowments and annuities), malpractice, marine, mortgage, surety, and wage protection insurance.
 - (7) "Intangible property" includes moneys, checks, drafts, deposits, interest, dividends, income, payroll checks, utility deposits, stocks, bonds, and any other property held or owing in the ordinary course of the holder's business.
 - (8) "Owner" means a depositor in the case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to this chapter or a person's legal representative.
 - (9) "Person" means an individual, business association, state or other government, governmental subdivision or agency, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.
 - (10) "Utility" means a person who owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.
2. Summary and Classification: Classify according to the nature of the property. For example, banks would segregate commercial accounts, certificates of deposit, cashiers checks; insurance companies, as to cash values, dividends, refunds, unpaid claims; corporations as to wages, dividends, stock. List the total of each classification on the summary sheet and show the total of these as "Total Sum Reported." Item 9, individual items under \$50.00 may be combined by stating the number of such items and the aggregate amount. Illustration: "168 items, each under \$50.00 _____, \$231.12". Item 10. Intangible personal property, not in the form of money, such as stock certificates, jewelry watches, etc.
3. Verification: If made by a partnership, shall be executed by a partner; if made by an unincorporated association or a private corporation by an officer; and if made by a public corporation, by its chief fiscal officer.
4. Notification: Not more than one hundred twenty days before filing the report, the holder in possession of property presumed abandoned and subject to custody as unclaimed property shall send written notice to the apparent owner's last known address informing the apparent owner that the holder is in possession of property if (1) the holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate, (2) the claim of the apparent owner is not barred by the statute of limitations, and (3) the property has a value of \$50 or more.
5. Remittance: Moneys for property which the holder is not required to report the name of the apparent owner shall accompany the report. This would include traveler's checks, money orders, and property less than \$50.00. Moneys for all other properties shall be remitted upon notification from the Director of Finance.
6. Detail Sheet (Use separate sheet for each classification).
 - Col. (a) (Taxpayer) Identifying number. Social Security Number for individual; Federal Employer Identification Number for business. If not available, any number used by the holder to identify the property, for example, account number or check number.
 - Col. (b) Show full name of owner. Even though owner used initials, show full name if available. Enter corporate titles, names of partnerships, associations, and trade names exactly as adopted. List payee's name in the case of cashier's checks, drafts, bank money orders, or other instruments. List purchaser as owner in case of traveler's check or personal money orders. List "unknown" if property is an instrument payable to bearer.

Enter last known address of owner. If address is not known, enter "address unknown". Enter County on same line as City. County is required as part of the address.
 - Col. (c) & (d) Date on which the property was abandoned or if applicable, the date of the last transaction, correspondence or memorandum in which the owner participated, evidencing an interest in such property. Show dates in figures as G-22-63.
 - Col. (e) Amount of money or value in money of the account, instrument or other property.

 (Name of Holder)

5.

ANNUAL REPORT OF PROPERTY PRESUMED ABANDONED
 (Detail Sheet)

NATURE OR DESCRIPTION OF PROPERTY REPORTED ON THIS SHEET _____

(a) (Taxpayer) Identifying Number	(b) Name of Owner, (List Names Alphabetically - Surnames First)/ Last Known Address	(c) Date Property Became Due, Demandable or Returnable	(d) Date of Last Transaction	(e) Amount or Value

(This sheet to be attached to Annual Report of Property Presumed Abandoned)