

# ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

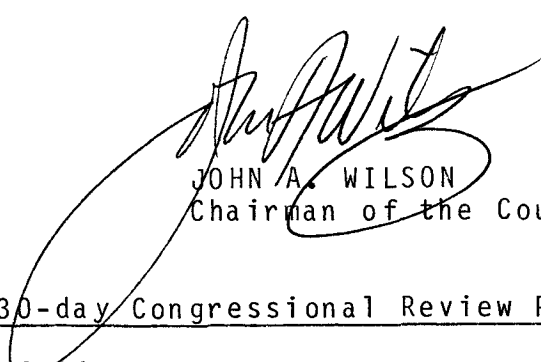
NOTICE

D.C. LAW 9-161

"Uniform Disposition of Unclaimed Property Act of 1980 Dormancy and Clarifying Amendment Act of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-333 on first and second readings, June 2, 1992, and July 7, 1992, respectively. Following the signature of the Mayor on July 21, 1992, this legislation was assigned Act No. 9-255, published in the July 31, 1992, edition of the D.C. Register, (Vol. 39 page 5696) and transmitted to Congress on July 23, 1992 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-161, effective September 29, 1992.



JOHN A. WILSON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 23,24,27,28,29,30,31

August 3,4,5,6,7,10,11,12

September 8,9,10,11,14,15,16,17,18,21,22,23,24,25,28

Codification

AN ACT

District of Columbia Code

D.C. ACT 9-255

(1993 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 1992

To amend the Uniform Disposition of Unclaimed Property Act of 1980 to shorten the time period during which holders of unclaimed property may hold such property without reporting it to the Mayor, increase the Mayor's enforcement authority, and to require the delivery of underlying shares.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act shall be cited as the "Uniform Disposition of Unclaimed Property Act of 1980 Dormancy and Clarifying Amendment Act of 1992".

Sec. 2. The Uniform Disposition of Unclaimed Property Act of 1980, effective March 5, 1981 (D.C. Law 3-160; D.C. Code §42-201 *et seq.*), is amended as follows:

(a) Section 103(a) (D.C. Code §42-203(a)) is amended by deleting the phrase "seven (7)" and inserting the figure "5" in its place.

Section  
42-203

(b) Section 104 (D.C. Code §42-204) is amended to read as follows: "Sec. 104. General rules for taking custody of unclaimed intangible property.

Section  
42-204

"Unless otherwise provided by statute of the District of Columbia, intangible personal property is subject to a presumption of abandonment under this title if the conditions leading to a presumption of abandonment as described in sections 103 and 105 through 116 are satisfied, and any 1 of the following conditions is met:

"(1) The last known address of the apparent owner, as shown on the records of the holder, is in the District;

"(2) The records of the holder do not reflect the identity of the person entitled to the property and it is established that the property was owned or payable to a person whose last known address is in the District;

"(3) The records of the holder do not reflect the last known address of the apparent owner, and it is established that:

"(A) The last known address of the person entitled to the property is in the District; or

"(B) The holder is either domiciled in the District or is the District government and has not previously paid or delivered the property to the state of the last known address of the apparent owner or other person entitled to the property;

"(4) The last known address, as shown on the records of the holder, of the apparent owner is in a state that does not provide an

Enrolled Original

escheat or abandoned property law applicable to the property in question and the holder is:

"(A) Domiciled in the District; or

"(B) The District government;

"(5) The last known address of the apparent owner, as shown on the record of the holder, is in a foreign nation and the holder is:

"(A) Domiciled in the District; or

"(B) The District government;

"(6)(A) The transaction out of which the property arose occurred in the District;

"(B)(i) The identity of the person entitled to the property is unknown;

"(ii) The last known address of the apparent owner or other person entitled to the property is unknown; or

"(iii) The last known address of the apparent owner is in a state that does not provide an escheat or unclaimed property law applicable to the property; and

"(C) The holder is domiciled in a state that does not provide an escheat or abandoned property law applicable to the property; or

"(7) The holder is domiciled in the District and has not previously paid or delivered the property to a state."

(c) Section 106(a) (D.C. Code §42-206(a)) is amended by striking the phrase "ten (10)" and inserting the figure "5" in its place.

Section  
42-206

(d) Section 106(d) (D.C. Code §42-206(d)) is amended by striking the phrase "ten (10)" wherever it appears and inserting the figure "5" in its place.

Section  
42-206

(e) Section 107 (D.C. Code §42-207) is amended to read as follows:  
"Sec. 107. Funds owing under life insurance policies.

Section  
42-207

"(a) Funds held or owing under any life or endowment insurance policy or annuity contract that has matured or terminated are presumed abandoned if unclaimed for more than 5 years after the funds became due and payable as established from the records of the insurance company holding or owing the funds.

"(b) If a person other than the insured or annuitant is entitled to the funds and an address of the person is not known to the company or it is not definite and certain from the records of the company who is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the company.

"(c) For purposes of this section, a life or endowment insurance policy or annuity contract not mature by actual proof of the death of the insured or annuitant according to the records of the company is matured and the proceeds due and payable if:

"(1) The company knows that the insured or annuitant has died; or

"(2)(A) The insured has attained, or would have attained if the insured were living, the limiting age under the mortality table on which the reserve is based;

"(B) The policy was in force at the time the insured attained, or would have attained, the limiting age under the mortality table on which the reserve is based; and

"(C) Neither the insured nor any other person appearing to have an interest in the policy within the preceding 5 years, according to the records of the company, has assigned, readjusted, or paid premiums on the policy, subjected the policy to a loan, corresponded in writing with the company concerning the policy, or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the company.

"(d) For the purposes of this section, the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from being mature or terminated under subsection (a) of this section if the insured has died or the insured or the beneficiary of the policy otherwise has become entitled to the proceeds of the policy before the depletion of the cash surrender value of a policy by the application of those provisions."

(f) Section 108 (D.C. Code §42-208) is amended by striking the phrase "seven (7)" wherever it appears and inserting the figure "5" in its place.

Section  
42-208

(g) Section 109 (D.C. Code §42-209) is amended to read as follows:  
"Sec. 109. Stock and other intangible interests in business associations.

Section  
42-209

"(a) Subject to section 104, any stock, other certificate of ownership, or other intangible ownership interest, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to the owner, is presumed abandoned if the owner has not claimed it, corresponded in writing with the business association concerning it, or otherwise communicated with the association concerning it, as evidenced by a memorandum or other record on file with the association within 5 years after the date prescribed for payment or delivery.

"(b) Subject to section 104, any intangible interest in a business association, as evidenced by the stock records or membership records of the association, is presumed abandoned if:

"(1) The interest in the association is owned by a person who for more than 5 years has not:

"(A) Claimed a dividend, profit, distribution, interest, payment on principal, or other sum held or owing by the association for or to the person; or

"(B) Corresponded in writing with the association or otherwise communicated with the association, as evidenced by a memorandum or other record on file with the association;

"(2) The association does not know the location of the owner at the end of the 5 year period; and

"(3) With respect to the intangible interest in a business association, the business association shall be deemed the holder.

"(c) Subject to section 104, any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to the owner, is presumed abandoned at the time the stock, other certificate of ownership, or other intangible ownership interest to which it attaches is presumed abandoned."

(h) Section 110 (D.C. Code §42-210) is amended to read as follows:  
"All intangible personal property distributable in the course of a voluntary or involuntary dissolution of a business association, banking organization, or financial organization organized under the laws of or

Section  
42-210

## Enrolled Original

created in the District, that is unclaimed by the owner within 60 days after the date of final distribution, is presumed abandoned."

(i) Section 111(a) (D.C. Code §42-211(a)) is amended by striking the phrase "seven (7)" and inserting the figure "5" in its place.

Section  
42-211

(j) Section 113 (D.C. Code §42-213) is amended by striking the phrase "seven (7)" and inserting the figure "5" in its place.

Section  
42-213

(k) Section 114(a) (D.C. Code §42-214(a)) is amended by striking the phrase "seven (7)" and inserting the figure "2" in its place.

Section  
42-214

(l) Section 115 (D.C. Code §42-215) is amended by striking the phrase "ten (10)" and inserting the figure "5" in its place.

Section  
42-215

(m) Section 117(d) (D.C. Code §42-217(d)) is amended by adding a new sentence at the end to read as follows:

Section  
42-217

"In calendar year 1992, a report concerning all property presumed to be abandoned as of October 31, 1991, must be filed no later than January 2, 1992."

(n) Section 118(g) (D.C. Code §42-218(g)) is amended by designating the existing text as paragraph (1) and adding a new paragraph (2) to read as follows:

Section  
42-218

"(2) With respect to the property reported on or before January 2, 1992, pursuant to section 117(d), the Mayor shall cause the newspaper notice required by subsection (a) of this section to be completed no later than April 30, 1992. The newspaper notice shall contain all the information required by subsections (b)(1) and (2) of this section and a statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction on or before June 1, 1992, the abandoned property will be placed in the custody of the Mayor not later than July 1, 1992, and all further claims must thereafter be directed to the Mayor."

(o) Section 119 (D.C. Code §42-219) is amended by adding a new subsection (d) to read as follows:

Section  
42-219

"(d) The holder of an interest under section 109 shall deliver a duplicate certificate or other evidence of ownership to the Mayor if the holder does not issue certificates of ownership. Upon delivery of a duplicate certificate to the Mayor, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with the provisions of section 120 to every person, including any person acquiring the original certificate or the duplicate of the certificate delivered to the Mayor, for any losses or damages resulting to any person by the issuance and delivery to the Mayor of the duplicate certificate."

(p) Section 123(b) (D.C. Code §42-223(b)) is amended as follows:

Section  
42-223

(1) Paragraph (2) is amended by striking the phrase "the policy or contract number, the name of the corporation, and the amount due." and inserting the phrase "the policy or contract number and the name of the corporation." in its place.

(2) Paragraph (3) is amended to read as follows:

"(3) The record shall be available for public inspection during regular business hours. The Mayor of the District of Columbia is authorized to establish and collect reasonable fees for services rendered by the Department of Finance and Revenue for the searching and

## Enrolled Original

reproduction of records and other services as may, in the judgment of the Mayor, be necessary to defray the cost of providing services."

(q) Section 128 (D.C. Code §42-228) is amended by adding a new subsection (c) to read as follows:

Section  
42-228

"(c) Any property delivered to the Mayor pursuant to this title which has no apparent commercial value shall be retained by the Mayor until such time as the Mayor determines to destroy or otherwise dispose of it."

(r) Section 130 (D.C. Code §42-230) is amended as follows:

Section  
42-230

(1) By striking the caption "Sec. 130. Reports and Examination of Records." and inserting "Sec. 130. Verified reports; examination of records; subpoenas." in its place;

(2) By adding a new subsection (c-1) to read as follows:

"(c-1) If in connection with an examination of the records of a holder, property which should have been reported pursuant to this chapter is discovered, the holder may be assessed a fee for the actual costs of the examination in addition to any interest charge or penalty that may be due under section 135."; and

(3) By adding a new subsection (e) to read as follows:

"(e) If any holder refuses to permit the holder's records to be examined, the Mayor may issue a subpoena to compel the holder to testify and produce the records pursuant to section 3 of the Independent Personnel Systems Implementation Act of 1980, effective September 26, 1980 (D.C. Law 3-109; D.C. Code §1-338)."

(s) Section 135 (D.C. Code §42-235) is amended to read as follows:

Section  
42-235

"Sec. 135. Interest and penalties.

"(a) Any person who fails to pay or deliver property within the time prescribed by this title shall be required to pay interest at the rate of 1 1/2% per month or fraction of a month on the property or value of the property from the date the property should have been paid or delivered.

"(b) Any person who willfully fails to submit a report or perform other duties required under this title shall pay \$200 for each day the report is not rendered or the duty is not performed, but shall not pay more than \$10,000.

"(c) Any person who willfully fails to pay or deliver property to the Mayor as required under this title shall pay in addition to interest as prescribed by subsection (a) of this section, a civil penalty equal to 25% of the value of the property that should have been paid or delivered.

"(d) Any person who willfully refuses to pay or deliver property to the Mayor as required under this title within 30 days after written demand, is guilty of a misdemeanor and upon conviction may be punished by a fine of not more than \$300 or imprisonment for not more than 90 days, or both. Prosecution shall be by the Office of the Corporation Counsel.

"(e) For purposes of this section, the term "person" also includes an officer or employee of a corporation, or member or employee of a partnership or association, who as an officer, employee, or member is responsible to report, pay, or deliver abandoned property to the Mayor as required under this title."

(t) Section 136 (D.C. Code §42-236) is amended as follows:

Section  
42-236

(1) Subsection (f) is amended by striking the phrase "fifteen (15)" and inserting the figure "20" in its place.

(2) Subsection (k) is amended by striking the phrase "two thousand dollars (\$2000)" and inserting the phrase "\$20,000" in its place.

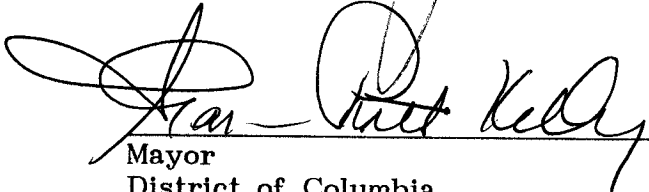
(3) Subsection (l) is amended by striking the phrase "pursuant to Section 135(a)" and inserting the phrase "pursuant to subsections (a), (b), and (c) of section 135 and any amount due as the cost of conducting an examination pursuant to section 130(c)" in its place.

Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, override of the veto by the Council) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED: July 21, 1992





COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-333

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-2-92

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

*Allyle Jones*  
Secretary to the Council

*July 8, 1992*  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-7-92

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

*Allyle Jones*  
Secretary to the Council

*July 8, 1992*  
Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date