



**GOV. MSG. NO. 778**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

April 20, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on April 20, 2007, the following bill was signed into law:

HB1287

A BILL FOR AN ACT RELATING TO UNCLAIMED  
PROPERTY.  
(ACT 029)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".  
LINDA LINGLE

Approved by the Governor  
on APR 20 2007

ACT 029

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A BILL FOR AN ACT

RELATING TO UNCLAIMED PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 523A-3.5, Hawaii Revised Statutes, is  
2 repealed.

3 [~~"§523A-3.5 Escheat process. (a) Any property in custody~~  
4 ~~of the State pursuant to this chapter at the close of a fiscal~~  
5 ~~year ending June 30, shall escheat to the State as follows:~~

6 ~~(1) If the value of the property is greater than \$10,000,~~  
7 ~~the property shall escheat six years after the end of~~  
8 ~~the fiscal year in which the property was paid or~~  
9 ~~delivered to the director;~~

10 ~~(2) If the value of the property is greater than \$5,000~~  
11 ~~but less than or equal to \$10,000, the property shall~~  
12 ~~escheat five years after the end of the fiscal year in~~  
13 ~~which the property was paid or delivered to the~~  
14 ~~director;~~

15 ~~(3) If the value of the property is greater than \$1,000~~  
16 ~~but less than or equal to \$5,000, the property shall~~  
17 ~~escheat four years after the end of the fiscal year in~~

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1           ~~which the property was paid or delivered to the~~  
2           ~~director;~~

3           ~~(4) If the value of the property is greater than \$100 but~~  
4           ~~less than or equal to \$1,000, the property shall~~  
5           ~~escheat three years after the end of the fiscal year~~  
6           ~~in which the property was paid or delivered to the~~  
7           ~~director; and~~

8           ~~(5) If the value of the property is less than or equal to~~  
9           ~~\$100, the property shall escheat two years after the~~  
10           ~~end of the fiscal year in which the property was paid~~  
11           ~~or delivered to the director;~~

12           ~~provided that the property for which a timely claim has been~~  
13           ~~filed with the director pursuant to section 523A-24, or a timely~~  
14           ~~action has been filed pursuant to section 523A-26, shall not~~  
15           ~~escheat until the disposition of the claim or action.~~

16           ~~(b) The director shall cause notice to be given no later~~  
17           ~~than April 1 of the fiscal year ending June 30 in which the~~  
18           ~~property shall escheat to the State at least once statewide.~~

19           ~~(c) The notice shall be entitled, "Notice to Declare~~  
20           ~~Certain Abandoned Property Escheated to the State of Hawaii" and~~  
21           ~~contain:~~

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- 1 ~~(1) A statement that any property presumed abandoned and~~  
2 ~~paid or delivered to the director that remains~~  
3 ~~unclaimed as of June 30 of the year the notice is~~  
4 ~~given and that meets the escheat criteria established~~  
5 ~~in subsection (a) (1), (2), (3), (4), or (5) shall~~  
6 ~~escheat to the State on June 30, and all rights,~~  
7 ~~title, or interest of the owner shall be terminated~~  
8 ~~and all claims of the owner shall be forever barred;~~  
9 ~~(2) A statement listing the names of owners of abandoned~~  
10 ~~property with a value greater than \$5,000 scheduled to~~  
11 ~~escheat to the State; and~~  
12 ~~(3) A statement identifying the location where a list of~~  
13 ~~names and last known addresses, if any, of persons~~  
14 ~~appearing to be owners of abandoned property subject~~  
15 ~~to escheat on June 30 of the year the notice is given,~~  
16 ~~and stating that this list shall be made available as~~  
17 ~~a government record.~~  
18 ~~(d) This section shall not apply to sums payable on:~~  
19 ~~(1) Travelers checks, money orders, and other written~~  
20 ~~instruments presumed abandoned under section 523A-4;~~  
21 ~~(2) Checks, drafts, or similar instruments on which a~~  
22 ~~banking or financial organization is directly liable,~~

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1 ~~including a cashier's check and a certified check~~  
 2 ~~presumed abandoned under section 523A-5, and~~  
 3 ~~(3) Unpaid debt service payments on Hawaii state and~~  
 4 ~~county bonds." ]~~

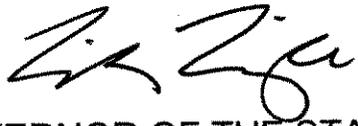
5 SECTION 2. Statutory material to be repealed is bracketed  
 6 and stricken.

7 SECTION 3. This Act shall take effect upon its approval.

8  
 9 INTRODUCED BY: Calvin K. King  
 10 BY REQUEST

JAN 22 2007

APPROVED this 20 day of APR ,2007

  
 GOVERNOR OF THE STATE OF HAWAII