
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-9, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Except for property held in a safe deposit box or
4 other safekeeping depository, [~~within six months after the final~~
5 ~~date for~~] upon filing the report required by section 523A-8, the
6 holder of property presumed abandoned shall pay, deliver, or
7 cause to be paid or delivered to the administrator the property
8 described in the report as unclaimed, but if the property is an
9 automatically renewable deposit, and a penalty or forfeiture in
10 the payment of interest would result, the time for compliance
11 shall be extended until a penalty or forfeiture would no longer
12 result. Tangible property held in a safe deposit box or other
13 safekeeping depository shall not be delivered to the
14 administrator until an additional one hundred twenty days after
15 the time for payment or delivery to the administrator of
16 property presumed abandoned as required by this subsection."

17 SECTION 2. Section 523A-25, Hawaii Revised Statutes, is
18 amended by amending subsections (d) and (e) to read as follows:



1 "(d) An agreement covered by this section [~~which~~] that
2 provides for compensation that [~~is unconscionable~~] exceeds ten
3 per cent of the total value of the property shall be
4 unenforceable except by the owner. [~~An owner who has agreed to~~
5 ~~pay compensation that is unconscionable, or the administrator on~~
6 ~~behalf of the owner, may maintain an action to reduce the~~
7 ~~compensation to a conscionable amount. The court may award~~
8 ~~reasonable attorney's fees to an owner who prevails in the~~
9 ~~action.~~]

10 (e) This section does not preclude an owner from asserting
11 that an agreement covered by this section is invalid on grounds
12 [~~other than unconscionable~~] of excessive or unjust
13 compensation."

14 SECTION 3. Section 560:3-1210, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§560:3-1210 Undistributed proceeds or balances,**
17 **disposition.** When any balance remains in the hands of the
18 clerk, after payment in the order specified in section 560:3-
19 805, and no heirs or devisees of the decedent, entitled to the
20 balance, can be located after reasonable search and inquiry, the
21 clerk, after the expiration of one year after the first
22 publication, shall report the fact to the court, which shall



1 forthwith enter an order forwarding such property to the state
2 director of finance, and the clerk thereupon shall immediately
3 deposit the money or funds, or any balance, with the director
4 for disposition as provided in chapter 523A. The director at
5 any time may authorize the payment out of the [~~general~~] trust
6 funds of the State of any amount so forwarded to any person who
7 establishes to the satisfaction of the director that the person
8 is legally entitled thereto as an heir or devisee of the
9 decedent, and the person shall be entitled to receive the amount
10 thereof out of any moneys in the treasury not otherwise
11 appropriated, upon warrant drawn by the state comptroller."

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Unclaimed Property

Description:

Requires holders of unclaimed property to remit all property with their November 1 report and corrects references to the Unclaimed Property Trust Fund. Effective 7/1/2050. (SD1)

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