

House Engrossed

written request; property locators

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2517

AN ACT

AMENDING SECTIONS 44-315 AND 44-327, ARIZONA REVISED STATUTES; AMENDING
TITLE 44, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 44-327.01; RELATING TO UNCLAIMED PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 44-315, Arizona Revised Statutes, is amended to
3 read:

4 44-315. Confidentiality; violation; classification;
5 definitions

6 A. The department may disclose confidential information relating to
7 an item of property to the claimant or relating to reports of abandoned
8 property to the holder, a successor in interest to the claimant or holder
9 or a designee of the claimant or holder who is authorized in writing by
10 the claimant or holder.

11 B. The department ~~also~~ may disclose confidential information to:

12 1. Any employee of the department whose official duties involve tax
13 or unclaimed property administration.

14 2. The office of the attorney general for its use in providing
15 counsel relating to unclaimed property administration or in preparation
16 for any proceeding involving unclaimed property before the department or
17 any other agency or board of this state or before any grand jury or any
18 state or federal court.

19 3. Pursuant to a written agreement between the department and
20 another state or an organization of states that operates an information
21 exchange for unclaimed property administration purposes, a state unclaimed
22 property official from the other state if the other state or organization
23 grants substantially similar privileges to the department for the same
24 type of information.

25 4. The auditor general, in connection with any audit of the
26 department subject to the restrictions in section 42-2002, subsection D.

27 5. Any person to the extent necessary for effective unclaimed
28 property administration in connection with the processing, storage,
29 transmission and reproduction of the information and the programming,
30 maintenance, repair, testing and procurement of equipment for purposes of
31 unclaimed property administration.

32 C. Except as provided in section 42-2002, subsection D, the
33 department may disclose confidential information in any state or federal
34 judicial or administrative proceeding relating to unclaimed property
35 administration if:

36 1. The claimant or holder is a party to the proceeding.

37 2. The treatment of an item reflected in the information is
38 directly related to the resolution of an issue in the proceeding.

39 3. The information directly relates to a transactional relationship
40 between a person who is a party to the proceeding and the claimant or
41 holder and the information directly affects the resolution of an issue in
42 the proceeding.

43 D. The department may disclose identity information for purposes of
44 notifying persons who appear to be entitled to unclaimed property in the
45 manner described in section ~~44-309~~ 44-327.01.

1 E. The department may disclose statistical information gathered
2 from confidential information if it does not disclose confidential
3 information attributable to a claimant or holder.

4 F. A court may order the department to disclose confidential
5 information pertaining to a party to an action. An order shall be made
6 only on a showing of good cause and that the party who seeks the
7 information has demanded the information from the claimant or holder.

8 G. If the department is required or ~~permitted~~ ALLOWED to disclose
9 confidential information, it may charge the person or agency that requests
10 the information for the reasonable cost of the department's services.

11 H. A disclosure of confidential information in violation of this
12 section is a class 1 misdemeanor. A knowing disclosure of confidential
13 information in violation of this section is a class 6 felony.

14 I. The provisions of this section apply to independent auditors
15 hired by the department to enforce ~~the provisions of~~ this chapter and
16 chapter 3.1 of this title.

17 J. A person, including a former employee, agent or independent
18 auditor of the department or office of administrative hearings or a person
19 previously having an administrative duty for the department or the office
20 of administrative hearings, who has received confidential information
21 while an employee, agent or independent auditor of the department or the
22 office of administrative hearings, shall not disclose that information
23 except as provided in this section.

24 K. For the purposes of this section:

25 1. "Claimant" means a person or entity that claims to have a
26 property interest in the item of property that is presumed abandoned
27 pursuant to this chapter.

28 2. "Confidential information": ~~includes reports filed by holders of~~
29 ~~property presumed abandoned under this chapter, a claimant's application~~
30 ~~and documents submitted to support a claim and information discovered by~~
31 ~~the department concerning claims, and claimants, holder reports or~~
32 ~~holders. Confidential information also~~

33 (a) MEANS A SOCIAL SECURITY NUMBER, TAX IDENTIFICATION NUMBER, DATE
34 OF BIRTH AND HOLDER ACCOUNT NUMBER IN A REPORT THAT IS FILED BY THE HOLDER
35 OF PROPERTY PRESUMED ABANDONED UNDER THIS CHAPTER.

36 (b) Includes information supplied at the special request of the
37 department ~~which~~ THAT the claimant or holder requests to be held
38 confidential, whether a holder or report was, is being or will be subject
39 to examination, investigation or collection and data received by, recorded
40 by, prepared by, furnished to or collected by the department with respect
41 to the existence or possible existence of a liability of any holder for
42 unclaimed property.

1 Sec. 2. Section 44-327, Arizona Revised Statutes, is amended to
2 read:

3 44-327. Agreement to locate property

4 ~~A. The following are void and unenforceable:~~

5 ~~1. A. An agreement TO RECOVER PROPERTY THAT IS entered into by~~
6 ~~an owner A CLAIMANT with another person if the primary purpose of that~~
7 ~~agreement is to locate, deliver, recover or assist in the recovery of~~
8 ~~property that is presumed abandoned, if the agreement was entered into~~
9 ~~during the period commencing on the date the property was presumed~~
10 ~~abandoned and extending to a time that is twenty-four months after the~~
11 ~~date that the property is paid or delivered to the department. This~~
12 ~~paragraph does not apply to an owner's agreement with an attorney to file~~
13 ~~a claim relating to identified property or to contest the department's~~
14 ~~denial of a claim. IS ENFORCEABLE IF ALL OF THE FOLLOWING APPLY:~~

- 15 1. THE AGREEMENT IS IN WRITING IN AT LEAST TEN-POINT FONT.
16 2. THE AGREEMENT LISTS THE UNCLAIMED PROPERTY ACCOUNT NUMBERS THAT
17 ARE BEING CLAIMED.
18 3. THE AGREEMENT DESCRIBES THE SERVICES TO BE PERFORMED.
19 4. THE AGREEMENT IS SIGNED BY THE CLAIMANT.
20 5. THE AGREEMENT STATES THE VALUE OF THE PROPERTY, IF AVAILABLE,
21 BEFORE AND AFTER THE FEE OR OTHER COMPENSATION IS DEDUCTED.

22 B. THE FEE OR PAYMENT AGREED ON MAY NOT BE MORE THAN THIRTY PERCENT
23 OF THE VALUE OF THE RECOVERABLE PROPERTY THAT IS REPORTED TO THE
24 DEPARTMENT. THIS SUBSECTION DOES NOT APPLY TO THE RECOVERY OF ACCOUNTS
25 THAT REQUIRE JUDICIAL DETERMINATION OF OWNERSHIP TO ESTABLISH ENTITLEMENT.

26 ~~2. C. A provision in an agreement that requires an owner A~~
27 ~~CLAIMANT to pay compensation that includes a portion of mineral proceeds~~
28 ~~that are not presumed abandoned or the underlying minerals, if the primary~~
29 ~~purpose of the agreement is to locate, deliver, recover or assist in the~~
30 ~~recovery of mineral proceeds that are presumed abandoned, IS VOID.~~

31 ~~B. If an owner enters into an agreement that is not void pursuant~~
32 ~~to this section and the primary purpose of that agreement is to locate,~~
33 ~~deliver, recover or assist in the recovery of property reported to the~~
34 ~~department, the agreement is:~~

35 ~~1. Enforceable if the agreement is in writing, clearly states the~~
36 ~~nature of the property and the services to be performed, is signed by the~~
37 ~~apparent owner and states the value of the property before and after the~~
38 ~~fee or other compensation has been deducted. The fee or payment agreed on~~
39 ~~shall not be more than thirty per cent of the value of the recoverable~~
40 ~~property reported to the department.~~

41 ~~2. D. AN AGREEMENT THAT IS SUBJECT TO SUBSECTION B OF THIS SECTION~~
42 ~~IS unenforceable except by the owner CLAIMANT if the agreement provides~~
43 ~~for compensation that is more than thirty per cent PERCENT of the value of~~
44 ~~the recoverable property reported to the department. THIS SUBSECTION DOES~~

1 NOT APPLY TO THE RECOVERY OF ACCOUNTS THAT REQUIRE A JUDICIAL
2 DETERMINATION OF OWNERSHIP TO ESTABLISH ENTITLEMENT.

3 ~~C. E. An owner who~~ A CLAIMANT OR THE DEPARTMENT ON THE CLAIMANT'S
4 BEHALF MAY MAINTAIN AN ACTION TO REDUCE COMPENSATION IF BOTH OF THE
5 FOLLOWING APPLY:

6 1. THE CLAIMANT has agreed to pay compensation that is more than
7 thirty ~~per cent~~ PERCENT of the value of the recoverable property reported
8 to the department, ~~or the department on behalf of the owner, may maintain~~
9 ~~an action to reduce the compensation.~~ THIS PARAGRAPH DOES NOT APPLY TO
10 THE RECOVERY OF ACCOUNTS THAT REQUIRE A JUDICIAL DETERMINATION OF
11 OWNERSHIP TO ESTABLISH ENTITLEMENT.

12 2. THE AGREEMENT IS SUBJECT TO SUBSECTION B OF THIS SECTION.

13 F. The court may award reasonable attorney fees to ~~an owner~~ A
14 CLAIMANT who prevails in the action BROUGHT UNDER SUBSECTION B OF THIS
15 SECTION. This section does not prohibit ~~an owner~~ A CLAIMANT from
16 asserting that an agreement is invalid on grounds other than compensation.

17 Sec. 3. Title 44, chapter 3, article 1, Arizona Revised Statutes,
18 is amended by adding section 44-327.01, to read:

19 44-327.01. Unclaimed property account information database:
20 locators; registration; fees; filing of written
21 agreement; locator registration; fund

22 A. THE FOLLOWING UNCLAIMED PROPERTY ACCOUNT INFORMATION SHALL BE
23 MADE AVAILABLE TO THE PUBLIC IN A DATABASE:

24 1. THE NAME OF THE APPARENT OWNER.

25 2. THE COMPLETE LAST KNOWN ADDRESS OF THE APPARENT OWNER AS
26 REPORTED BY THE HOLDER.

27 3. THE RELATIONSHIP CODE, IF ANY.

28 4. THE TYPE OF PROPERTY.

29 5. THE CASH VALUE OF THE PROPERTY.

30 6. IF THE PROPERTY IS SECURITIES OR MUTUAL FUNDS SHARES, THE NUMBER
31 OF SHARES OR ITEMS AND THE EXCHANGE TICKER SYMBOL OR FUND NAME, IF
32 REPORTED.

33 7. THE YEAR THAT THE PROPERTY WAS REPORTED TO THE DEPARTMENT.

34 8. THE NAME AND CONTACT INFORMATION OF THE HOLDER.

35 9. A GENERAL DESCRIPTION OF THE SAFE DEPOSIT BOX CONTENTS AND THE
36 LIQUIDATION AMOUNT, IF APPLICABLE.

37 10. THE LAST CONTACT DATE WITH THE APPARENT OWNER.

38 B. A LOCATOR SHALL REGISTER WITH THE DEPARTMENT IN A FORM AND
39 MANNER DETERMINED BY THE DEPARTMENT AND PAY A REGISTRATION FEE TO THE
40 DEPARTMENT IN AN AMOUNT TO BE DETERMINED BY THE DIRECTOR. ON THE
41 REGISTRATION APPLICATION, AN APPLICANT SHALL PROVIDE THE APPLICANT'S
42 PRIMARY BUSINESS ADDRESS AND TELEPHONE NUMBER AND THE NAME, TELEPHONE
43 NUMBER AND EMAIL ADDRESS OF THE INDIVIDUAL WHO WILL BE THE PRIMARY POINT
44 OF CONTACT WITH THE DEPARTMENT. AN APPLICANT IS INELIGIBLE FOR
45 REGISTRATION IF, WITHIN THE IMMEDIATELY PRECEDING TEN-YEAR PERIOD, THE

1 APPLICANT WAS CONVICTED OF A FELONY INVOLVING DISHONESTY, DECEIT, FRAUD OR
2 A BREACH OF FIDUCIARY DUTY. THE DEPARTMENT SHALL ENGAGE IN PROMOTIONAL
3 AND INFORMATIONAL ACTIVITIES RELATING TO UNCLAIMED PROPERTY TO RAISE
4 AWARENESS OF UNCLAIMED PROPERTY THROUGHOUT THIS STATE.

5 C. LOCATOR REGISTRATION IS VALID FOR FOUR YEARS. THE LOCATOR MAY
6 RENEW THE LOCATOR'S REGISTRATION BY SUBMITTING A RENEWAL APPLICATION IN A
7 MANNER THAT IS PRESCRIBED BY THE DEPARTMENT AND BY SUBMITTING A RENEWAL
8 FEE IN AN AMOUNT TO BE DETERMINED BY THE DIRECTOR. THE DEPARTMENT SHALL
9 DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ALL REGISTRATION AND
10 RENEWAL FEES COLLECTED PURSUANT TO THIS SECTION IN THE LOCATOR
11 REGISTRATION FUND ESTABLISHED BY THIS SECTION.

12 D. A LOCATOR THAT RECEIVES UNCLAIMED PROPERTY ACCOUNT INFORMATION
13 FROM THE DEPARTMENT UNDER THIS SECTION MAY NOT DISTRIBUTE THAT INFORMATION
14 TO OTHER LOCATORS OR PERSONS, OTHER THAN THE OWNER, FOR COMPENSATION.

15 E. IF AN OWNER HAS ENTERED INTO A WRITTEN AGREEMENT THAT AUTHORIZES
16 A REGISTERED LOCATOR TO CLAIM THE UNCLAIMED PROPERTY ON THE OWNER'S BEHALF
17 OR IF THE OWNER HAS SOLD THE RIGHT TO CLAIM THE UNCLAIMED PROPERTY TO A
18 LOCATOR, THE DEPARTMENT SHALL DISTRIBUTE THE PROPERTY OR MONIES IN
19 ACCORDANCE WITH THE WRITTEN AGREEMENT. THE OWNER SHALL EXECUTE THE
20 AGREEMENT AND THE LOCATOR SHALL FILE THE AGREEMENT WITH THE DEPARTMENT
21 WHEN A LOCATOR FILES A CLAIM ON THE OWNER'S BEHALF.

22 F. THE LOCATOR REGISTRATION FUND IS ESTABLISHED CONSISTING OF
23 MONIES RECEIVED FROM LOCATOR REGISTRATION AND RENEWAL FEES COLLECTED
24 PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL ADMINISTER THE FUND. THE
25 MONIES IN THE FUND SHALL BE USED TO MONITOR LOCATORS AS PROVIDED UNDER
26 THIS CHAPTER. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.