

Senate Engrossed House Bill
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; definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 44-327. Agreement to locate property

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

1 ~~1.~~ A. An agreement TO RECOVER PROPERTY THAT IS entered into by
2 ~~an owner~~ A CLAIMANT with another person ~~if the primary purpose of that~~
3 ~~agreement is to locate, deliver, recover or assist in the recovery of~~
4 ~~property that is presumed abandoned, if the agreement was entered into~~
5 ~~during the period commencing on the date the property was presumed~~
6 ~~abandoned and extending to a time that is twenty-four months after the~~
7 ~~date that the property is paid or delivered to the department. This~~
8 ~~paragraph does not apply to an owner's agreement with an attorney to file~~
9 ~~a claim relating to identified property or to contest the department's~~
10 ~~denial of a claim.~~ IS ENFORCEABLE IF ALL OF THE FOLLOWING APPLY:
11 1. THE AGREEMENT IS IN WRITING IN AT LEAST TEN-POINT FONT.
12 2. THE AGREEMENT LISTS THE UNCLAIMED PROPERTY ACCOUNT NUMBERS THAT
13 ARE BEING CLAIMED.
14 3. THE AGREEMENT DESCRIBES THE SERVICES TO BE PERFORMED.
15 4. THE AGREEMENT IS SIGNED BY THE CLAIMANT.
16 5. THE AGREEMENT STATES THE VALUE OF THE PROPERTY, IF AVAILABLE,
17 BEFORE AND AFTER THE FEE OR OTHER COMPENSATION IS DEDUCTED.
18 B. THE FEE OR PAYMENT AGREED ON MAY NOT BE MORE THAN TWENTY PERCENT
19 OF THE VALUE OF THE RECOVERABLE PROPERTY THAT IS REPORTED TO THE
20 DEPARTMENT. THIS SUBSECTION DOES NOT APPLY TO THE RECOVERY OF ACCOUNTS
21 THAT REQUIRE JUDICIAL DETERMINATION OF OWNERSHIP TO ESTABLISH ENTITLEMENT.
22 ~~2.~~ C. A provision in an agreement that requires ~~an owner~~ A
23 CLAIMANT to pay compensation that includes a portion of mineral proceeds
24 that are not presumed abandoned or the underlying minerals, if the primary
25 purpose of the agreement is to locate, deliver, recover or assist in the
26 recovery of mineral proceeds that are presumed abandoned, IS VOID.
27 ~~B. If an owner enters into an agreement that is not void pursuant~~
28 ~~to this section and the primary purpose of that agreement is to locate,~~
29 ~~deliver, recover or assist in the recovery of property reported to the~~
30 ~~department, the agreement is:~~
31 ~~1. Enforceable if the agreement is in writing, clearly states the~~
32 ~~nature of the property and the services to be performed, is signed by the~~
33 ~~apparent owner and states the value of the property before and after the~~
34 ~~fee or other compensation has been deducted. The fee or payment agreed on~~
35 ~~shall not be more than thirty per cent of the value of the recoverable~~
36 ~~property reported to the department.~~
37 ~~2.~~ D. AN AGREEMENT THAT IS SUBJECT TO SUBSECTION B OF THIS SECTION
38 IS unenforceable except by the ~~owner~~ CLAIMANT if the agreement provides
39 for compensation that is more than ~~thirty per cent~~ TWENTY PERCENT of the
40 value of the recoverable property reported to the department. THIS
41 SUBSECTION DOES NOT APPLY TO THE RECOVERY OF ACCOUNTS THAT REQUIRE A
42 JUDICIAL DETERMINATION OF OWNERSHIP TO ESTABLISH ENTITLEMENT.
43 ~~3.~~ E. ~~An owner who~~ A CLAIMANT OR THE DEPARTMENT ON THE CLAIMANT'S
44 BEHALF MAY MAINTAIN AN ACTION TO REDUCE COMPENSATION IF BOTH OF THE
45 FOLLOWING APPLY:

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

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

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

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

14 44-327.01. Unclaimed property account information database:
15 locators; registration; fees; filing of written
16 agreement; locator registration; fund;
17 violation; classification

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

20 1. THE NAME OF THE APPARENT OWNER.

21 2. THE COMPLETE LAST KNOWN ADDRESS OF THE APPARENT OWNER AS
22 REPORTED BY THE HOLDER.

23 3. THE RELATIONSHIP CODE, IF ANY.

24 4. THE TYPE OF PROPERTY.

25 5. THE CASH VALUE OF THE PROPERTY.

26 6. IF THE PROPERTY IS SECURITIES OR MUTUAL FUNDS SHARES, THE NUMBER
27 OF SHARES OR ITEMS AND THE EXCHANGE TICKER SYMBOL OR FUND NAME, IF
28 REPORTED.

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

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

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

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

34 B. A LOCATOR SHALL REGISTER WITH THE DEPARTMENT IN A FORM AND
35 MANNER DETERMINED BY THE DEPARTMENT AND PAY A REGISTRATION FEE TO THE
36 DEPARTMENT IN AN AMOUNT TO BE DETERMINED BY THE DIRECTOR. ON THE
37 REGISTRATION APPLICATION, AN APPLICANT SHALL PROVIDE THE APPLICANT'S
38 PRIMARY BUSINESS ADDRESS AND TELEPHONE NUMBER AND THE NAME, TELEPHONE
39 NUMBER AND EMAIL ADDRESS OF THE INDIVIDUAL WHO WILL BE THE PRIMARY POINT
40 OF CONTACT WITH THE DEPARTMENT. AN APPLICANT IS INELIGIBLE FOR
41 REGISTRATION IF, WITHIN THE IMMEDIATELY PRECEDING TEN-YEAR PERIOD, THE
42 APPLICANT WAS CONVICTED OF A FELONY INVOLVING DISHONESTY, DECEIT, FRAUD OR
43 A BREACH OF FIDUCIARY DUTY. THE DEPARTMENT SHALL ENGAGE IN PROMOTIONAL
44 AND INFORMATIONAL ACTIVITIES RELATING TO UNCLAIMED PROPERTY TO RAISE
45 AWARENESS OF UNCLAIMED PROPERTY THROUGHOUT THIS STATE.

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

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

11 E. WHEN A LOCATOR INITIALLY COMMUNICATES WITH A POTENTIAL CUSTOMER,
12 THE LOCATOR SHALL DISCLOSE THAT THE FEE ANY LOCATOR CHARGES IS A
13 NEGOTIABLE RATE AND IS CAPPED AT TWENTY PERCENT PURSUANT TO THIS SECTION.

14 F. AN AGREEMENT BETWEEN A LOCATOR AND A CUSTOMER MUST INCLUDE A
15 DISCLOSURE AGREEMENT THAT IS SIGNED BY THE CUSTOMER AND THAT IS IN ITS OWN
16 DOCUMENT WITHOUT ANYTHING ELSE ON THE DOCUMENT. THE DISCLOSURE AGREEMENT
17 MUST STATE THE FOLLOWING IN AT LEAST TWENTY-FOUR POINT FONT:

18 THE FEE THAT ANY LOCATOR CHARGES IS A NEGOTIABLE RATE
19 THAT IS CAPPED AT TWENTY PERCENT PURSUANT TO SECTION 44-327,
20 ARIZONA REVISED STATUTES.

21 G. IF AN OWNER HAS ENTERED INTO A WRITTEN AGREEMENT THAT AUTHORIZES
22 A REGISTERED LOCATOR TO CLAIM THE UNCLAIMED PROPERTY ON THE OWNER'S BEHALF
23 OR IF THE OWNER HAS SOLD THE RIGHT TO CLAIM THE UNCLAIMED PROPERTY TO A
24 LOCATOR, THE DEPARTMENT SHALL DISTRIBUTE THE PROPERTY OR MONIES IN
25 ACCORDANCE WITH THE WRITTEN AGREEMENT. THE OWNER SHALL EXECUTE THE
26 AGREEMENT AND THE LOCATOR SHALL FILE THE AGREEMENT WITH THE DEPARTMENT
27 WHEN A LOCATOR FILES A CLAIM ON THE OWNER'S BEHALF.

28 H. THE LOCATOR REGISTRATION FUND IS ESTABLISHED CONSISTING OF
29 MONIES RECEIVED FROM LOCATOR REGISTRATION AND RENEWAL FEES COLLECTED
30 PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL ADMINISTER THE FUND. THE
31 MONIES IN THE FUND SHALL BE USED TO MONITOR LOCATORS AS PROVIDED UNDER
32 THIS CHAPTER. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.

33 I. A PERSON WHO DISCLOSES CONFIDENTIAL INFORMATION IN VIOLATION OF
34 THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR. A PERSON WHO KNOWINGLY
35 DISCLOSES CONFIDENTIAL INFORMATION IN VIOLATION OF THIS SECTION IS GUILTY
36 OF A CLASS 5 FELONY.

37 Sec. 4. Legislative Intent

38 The legislature intends that the initial registration fee and the
39 registration renewal fee for a locator pursuant to section 44-327.01,
40 Arizona Revised Statutes, as added by this act, not exceed \$100 for each
41 registration and for each renewal.