

ENGROSSED HOUSE
BILL NO. 1538

BY: STEIDLEY of the HOUSE

and

SMITH of the SENATE

(PROPERTY - AMENDING SECTIONS IN TITLE 60 -
UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT -
AMENDING SECTIONS IN TITLES 6, 17, 18, 47 AND
52 - MODIFYING DISPOSITION OF CERTAIN PROPERTY -
EFFECTIVE DATE)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 60 O.S. 1981, Section 651, is
amended to read as follows:

Section 651. As used in this act, unless the context otherwise
requires:

(a) "Apparent owner" means the person whose name appears on the
records of the holder as the person entitled to property held,
issued, or owing by the holder.

(b) "Attorney general" means the chief legal officer of this
state.

(c) "Banking organization" means any bank, trust company,
savings bank, safe deposit company, ~~or a private banker engaged in
business in this state,~~ or any organization defined by other law as
a bank or banking organization.

~~(b)~~ (d) "Business association" means ~~any~~ a non-public
corporation ~~(other than a public corporation),~~ joint-stock company,

investment company, business trust, partnership, or any association for business purposes of two or more individuals whether or not for profit, including a banking organization, financial organization, insurance company, or utility.

(e) "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of an unincorporated person.

~~(e) (f) "Financial organization" means any a savings and loan association, building and loan association, or credit union, or investment company domiciled or incorporated within this state, or engaged in business in this state.~~

~~(d) (g) "Holder" means any a person in possession of property subject to this act belonging to another, or who is trustee in case of a trust, or is indebted to another on any obligation subject to this act, wherever organized or domiciled, who is:~~

- (1) in possession of property belonging to another,
- (2) a trustee, or
- (3) indebted to another on an obligation.

~~(e) "Life insurance corporation" means any association or corporation domiciled or incorporated within this state, or transacting within this State the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.~~

(h) "Insurance company" means an association, corporation, fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including accidental, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life (including endowments and annuities), malpractice, marine, mortgage, surety, and wage protection insurance.

(i) "Intangible property" includes:

- (1) money, checks, drafts, deposits, interest, dividends, and income;
- (2) credit balances, customer overpayments, gift certificates, security deposits, refunds, credit memos, unpaid wages, unused airline tickets, and unidentified remittances;
- (3) stocks and other intangible ownership interests in business associations;
- (4) monies deposited to redeem stocks, bonds, coupons, and other securities, or to make distributions;
- (5) amounts due and payable under the terms of insurance policies; and
- (6) amounts distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.

(j) "Last-known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail.

(k) "Mineral proceeds" includes:

- (1) all obligations to pay mineral proceeds resulting from the production and sale of minerals, including net revenue interest, royalties, overriding royalties, production payments, and payments under joint operating agreements; and
- (2) all obligations for the acquisition and retention of a mineral lease, including bonuses, delay rentals, shut-in royalties, and minimum royalties.

~~(f)~~ (1) "Owner" means a depositor in the case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a

creditor, claimant, or payee in the case of other choses in action
intangible property, or ~~the owner of record of corporate stock or~~
~~other evidence of beneficial ownership in a business organization or~~
~~a person claiming under him by reason of a decree of a court of~~
~~record or by reason of an instrument in writing executed by such~~
~~owner of record~~ a person having a legal or equitable interest in
property subject to this act or his legal representative. Where
more than one person is an owner, the property shall not be presumed
abandoned unless it has remained unclaimed by all of its owners for
the periods hereinafter prescribed.

~~(g)~~ (m) "Person" means ~~any~~ an individual, business association,
state or other government or political, governmental subdivision or
agency, public corporation, public authority, estate, trust, two or
more persons having a joint or common interest, or any other legal
or commercial entity.

(n) "State" means any state, district, commonwealth, territory,
insular possession, or other area subject to the legislative
authority of the United States.

~~(h)~~ (o) "Utility" means ~~any a~~ a person ~~domiciled or incorporated~~
~~in this state~~ or who owns or operates for public use any plant,
equipment, property, franchise, or license for the transmission of
communications, or the production, storage, transmission, sale,
delivery, or furnishing of electricity, water, steam, or gas.

~~(i)~~ (p) "Memorandum" shall include a mark, symbol or statement
indicating knowledge of or interest in funds on deposit.

~~(j)~~ (q) "Commission" means the Oklahoma Tax Commission.

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 651.1 of Title 60, unless there
is created a duplication in numbering, reads as follows:

(a) Subject to subsection (d) of this section and except as
hereinafter provided, any sum payable on a travelers check that has
been outstanding for more than fifteen (15) years after its issuance

is presumed abandoned unless the owner, within fifteen (15) years, has communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the issuer. No travelers check shall be presumed to be abandoned if the holder has sent a statement or other business communication concerning the travelers check to the owner by first-class mail and the statement or other business communication has not been returned for inability to make delivery to the addressee. The fifteen-year abandonment period shall begin to run when any statement or other business communication to the owner has been returned as undeliverable, or on the last date that the owner has communicated with the holder in any of the ways specified in this subsection, whichever is later. For purposes of this section, the issuer shall be the entity responsible for the payment of the travelers check.

(b) Subject to subsection (d) of this section, any sum payable on a money order or similar written instrument, other than a third-party bank check, that has been outstanding for more than seven (7) years after its issuance is presumed abandoned unless the owner, within seven (7) years, has communicated in writing with the issuer concerning it or otherwise indicated an interest as evidence by a memorandum or other record on file prepared by an employee of the issuer.

(c) A holder may not deduct from the amount of a travelers check or money order any charge imposed by reason of the failure to present the instrument for payment unless there is a valid and enforceable written contract between the issuer and the owner of the instrument pursuant to which the issuer may impose a charge and the issuer regularly imposes such charges and does not regularly reverse or otherwise cancel them.

(d) No sum payable on a travelers check, money order, or similar written instrument, other than a third-party check,

described in subsections (a) and (b) of this section may be subjected to the custody of this state as unclaimed property unless:

- (1) the records of the issuer show that the travelers check, money order, or similar written instrument was purchased in this state;
- (2) the issuer has its principal place of business in this state and the records of the issuer do not show the state in which the travelers check, money order, or similar written instrument was purchased; or
- (3) the issuer has its principal place of business in this state, the records of the issuer show the state in which the travelers check, money order, or similar written instrument was purchased and the laws of the state of purchase either do not provide for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property.

(e) Notwithstanding any other provisions of this act, subsection (d) of this section applies to sums payable on travelers checks, money orders, and similar written instruments presumed abandoned on or after February 1, 1965, except to the extent that those sums have been paid over to a state prior to January 1, 1974.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 651.2 of Title 60, unless there is created a duplication in numbering, reads as follows:

Any sum payable on a check, certified check, cashier's check, draft, or similar instrument, except those subject to Section 651.1 of this title, on which a banking or financial organization is directly liable, which has been outstanding for more than five (5) years after it was payable or after its issuance if payable on demand, is presumed abandoned, unless the owner, within five (5) years, has communicated in writing with the banking or financial

organization concerning it or otherwise indicated an interest as evidenced by a memorandum or other record, on file, prepared by an employee thereof.

SECTION 4. AMENDATORY 60 O.S. 1981, Section 652, as amended by Section 1, Chapter 278, O.S.L. 1982 (60 O.S. Supp. 1990, Section 652), is amended to read as follows:

Section 652. ~~The following property held or owing by a banking or financial organization is presumed abandoned:~~

~~1.~~ (a) Any demand, savings, or matured time deposit ~~made in this state~~ with a banking or financial organization, ~~together with any interest or dividend thereon, excluding any charges that may lawfully be withheld and any funds paid toward the purchase of a share, a mutual investment certificate, or any other interest in a banking or financial organization is presumed abandoned,~~ unless the owner ~~has, within seven~~ ~~(7)~~ five (5) years has:

~~a.~~ (1) in the case of a deposit, increased or decreased the its amount ~~of the deposit,~~ or presented the passbook or other similar evidence of the deposit for the crediting of interest, ~~or;~~

~~b.~~ ~~corresponded~~ (2) communicated in writing with the banking or financial organization concerning the ~~deposit,~~ ~~or~~ property;

~~c.~~ (3) otherwise indicated an interest in the ~~deposit~~ property as evidenced by a memorandum or other record on file ~~with~~ prepared by an employee of the banking or financial organization;

(4) owned other property to which paragraphs (1), (2), or (3) of this subsection, applies and if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be presumed abandoned under this subsection at the address to

which communications regarding the other property are
regularly sent; or

(5) had another relationship with the banking or financial
organization concerning which the owner has:

(A) communicated in writing with the banking or
financial organization; or

(B) otherwise indicated an interest as evidenced by a
memorandum or other record on file prepared by an
employee of the banking or financial organization
and if the banking or financial organization
communicates in writing with the owner with
regard to the property that would otherwise be
abandoned under this subsection at the address to
which communications regarding the other
relationship regularly are sent.

~~2. No such deposit shall be presumed abandoned, however, if one
or more statements or other business communications concerning such
deposit have been sent by first-class mail by the banking or
financial organization involved to the depositor thereof at least
once each year for a period of at least three (3) years, and no such
statement or communication has been returned for inability to make
delivery to the addressee;~~ If a banking or financial organization
has sent a statement or other business communication concerning such
property to the owner by first-class mail and the statement or other
business communication has not been returned for inability to make
delivery to the addressee, the property shall not be presumed to be
abandoned. The five-year abandonment period shall begin to run when
any statement or other business communication to the owner has been
returned as undeliverable, or on the last date that the owner has
communicated with the banking or financial organization in any of
the ways specified in paragraphs (1) through (5) of this subsection,
whichever is the later.

~~3. Any funds paid in this state toward the purchase of shares or other interest in a financial organization or any deposit made therewith in this state, and any interest or dividends thereon, excluding any charges that may lawfully be withheld, unless the owner has within seven (7) years:~~

~~a. increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends, or~~

~~b. corresponded in writing with the financial organization concerning the funds or deposit, or~~

~~c. otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization;~~

~~4. No such funds or deposits shall be presumed abandoned, however, if one or more statements or other business communications concerning such deposit have been sent by first-class mail by the banking or financial organization involved to the depositor thereof at least once each year for a period of at least three (3) years, and no such statement or communication has been returned for inability to make delivery to the addressee;~~

~~5. Any sum payable on checks certified in this state or on written instruments issued in this state on which a banking or financial organization is directly liable, including, by way of illustration but not of limitation, certificates of deposit and drafts, that has been outstanding for more than seven (7) years from the date it was payable, or from the date of its issuance if payable on demand, unless the owner has within seven (7) years corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization;~~

~~6. Any sum payable on a travelers' check, unless the owner has within fifteen (15) years corresponded in writing with the banking~~

~~or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization. Provided, that no travelers' check shall be presumed abandoned if one or more statements or other business communications concerning such travelers' check have been sent by first-class mail by the banking or financial organization involved to the purchaser thereof, at least once each year for a period of three (3) years, and no such statement or communication has been returned for inability to make delivery to the addressee; or~~

~~7. Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safekeeping repository or agency, or collateral deposit in this state on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed by owner for more than seven (7) years from the date on which the lease or rental period expired; except as otherwise provided by other laws of this state.~~

(b) For purposes of subsection (a) of this section property includes interest and dividends.

(c) A holder may not impose with respect to property described in subsection (a) of this section any charge due to dormancy or inactivity or cease payment of interest unless:

(1) reasonable notice that the holder may impose the charge or cease payment of interest is given to the owner of the property, either (A) at the time the account is opened, (B) through a schedule of charges sent to the owner of the property, or (C) through a statement in the rules, regulations, or bylaws of the holder that the holder may impose the charge or cease payment of interest; and

(2) the holder regularly imposes such charges or ceases payment of interest. If the holder regularly reverses or otherwise cancels such charges or retroactively credits interest for a reason other than an error or omission by the holder, then in proportion to the extent that it does so with respect to other deposits, the holder shall likewise reverse or otherwise cancel charges or retroactively credit interest with respect to property that is reported to the Commission as unclaimed under this act.

(d) Automatically renewable time deposits shall be subject to this section, except that said automatically renewable time deposits shall be presumed abandoned fifteen (15) years following the expiration of the initial time period of the time deposit unless, during that period the owner has:

(1) increased or decreased the amount of the deposit;

(2) communicated in writing with the banking or financial organization concerning the property;

(3) otherwise indicated an interest in the property as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization; and

(4) had another relationship with the banking or financial organization concerning which the owner has:

(A) communicated in writing with the banking or financial organization, or

(B) otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization and if the banking or financial organization communicates in writing with the owner with regard to the property

that would otherwise be presumed abandoned under this section at the address to which communications regarding the other relationship are regularly sent.

Upon presumed abandonment of the automatically renewable time deposit, the holder shall report the presumed abandonment to the Oklahoma Tax Commission and may, at the holder's option, either retain the property or pay or deliver it to the Commission.

SECTION 5. AMENDATORY 60 O.S. 1981, Section 653, as amended by Section 2, Chapter 278, O.S.L. 1982 (60 O.S. Supp. 1990, Section 653), is amended to read as follows:

Section 653. ~~A. Unclaimed funds, as defined in this section, held and owing by a life insurance corporation shall be presumed abandoned if the last-known address, according to the records of the corporation, of the person entitled to the funds is within this state~~ (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 five (5) years after the funds became due and payable as established from the records of the insurance company holding or owing the funds, but property described in paragraph 2 of subsection (c) of this section is presumed abandoned if unclaimed for more than two (2) years.

(b) If a person other than the insured or annuitant is entitled to the funds and ~~no~~ an address of ~~such~~ the person is not known to the ~~corporation~~ company or if it is not definite and certain from the records of the ~~corporation~~ what person 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 ~~corporation~~ company.

~~B. "Unclaimed funds", as used in this section, means all monies held and owing by any life insurance corporation unclaimed and unpaid for more than seven (7) years after the monies became due and~~

~~payable as established from the records of the corporation under any life or endowment insurance policy or annuity contract which has matured or terminated. A~~

(c) For purposes of this act, a life or endowment insurance policy or annuity contract not matured by actual proof of death of the insured according to the records of the company is deemed to be matured and the proceeds thereof are deemed to be due and payable if such:

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

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

(B) the policy was in force when at the time the insured attained, or would have attained, the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven ~~(7) years~~ (1) specified in subparagraph (A) of this paragraph; and

(C) neither the insured nor any person appearing to have an interest in the policy within the preceding two (2) years, according to the records of the company, has assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan, or ~~(2)~~ corresponded in writing with the ~~life insurance corporation~~ 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. ~~Monies otherwise payable according to the records of the corporation are deemed due and payable although~~

~~the policy or contract has not been surrendered
as required.~~

(d) For purposes of this act, the application of an automatic premium loan provision or other nonforfeiture provisions contained in an insurance policy does not prevent a policy from being matured 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 thereof before the depletion of the cash surrender value of a policy by the application of those provisions.

(e) If the laws of this state or the terms of the life insurance policy require the company to give notice to the insured or the owner that an automatic premium loan provision or other nonforfeiture provision has been exercised and the notice, given to an insured or owner whose last-known address according to the records of the company is in this state, is undeliverable, the company shall make a reasonable search to ascertain the policyholder's correct address to which the notice must be mailed.

(f) Notwithstanding any other provision of law, if the company learns of the death of the insured or annuitant and the beneficiary has not communicated with the insurer within four (4) months after the death, the company shall take reasonable steps to pay the proceeds to the beneficiary.

(g) Commencing two (2) years after the effective date of this act, every change of beneficiary form issued by an insurance company under any life or endowment insurance policy or annuity contract to an insured or owner who is a resident of the state must request the following information:

- (1) the name of each beneficiary, or if a class of beneficiaries is named, the name of each current beneficiary in the class;
- (2) the address of each beneficiary; and

(3) the relationship of each beneficiary to the insured.

SECTION 6. AMENDATORY 60 O.S. 1981, Section 654, as amended by Section 3, Chapter 278, O.S.L. 1982 (60 O.S. Supp. 1990, Section 654), is amended to read as follows:

Section 654. ~~The following funds held or owing by any utility are presumed abandoned:~~

Any A deposit, including any interest thereon, made by a subscriber with a utility to secure payment ~~for,~~ or any sum paid in advance ~~for,~~ utility services to be furnished ~~in this state,~~ less any lawful deductions, that ~~has remained~~ remains unclaimed by the ~~person appearing on the records of the utility entitled thereto~~ owner for more than ~~seven (7) years~~ one (1) year after the termination of the services for which the deposit or advance payment was made is presumed abandoned.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 654.1 of Title 60, unless there is created a duplication in numbering, reads as follows:

Except to the extent otherwise ordered by the court or administrative agency, any sum that a business association has been ordered to refund by a court or administrative agency which has remained unclaimed by the owner for more than one (1) year after it became payable in accordance with the final determination or order providing for the refund, whether or not the final determination or order requires any person entitled to a refund to make a claim for it, is presumed abandoned.

SECTION 8. AMENDATORY 60 O.S. 1981, Section 655, as last amended by Section 3, Chapter 102, O.S.L. 1990 (60 O.S. Supp. 1990, Section 655), is amended to read as follows:

Section 655. ~~Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment or principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member bondholder, or other~~

~~security holder or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with a business association concerning it, within seven (7) years is presumed abandoned:~~

~~provided however, the Uniform Disposition of Unclaimed Property Act~~

(a) Except as otherwise provided in subsections (b) and (e) of this section, stock or other intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, is presumed abandoned and, with respect to the interest, the association is the holder, if a dividend, distribution, or other money payable as a result of the interest has remained unclaimed by the owner for seven (7) years and the owner within seven (7) years has not:

- (1) communicated in writing with the association regarding the interest or a dividend, distribution, or other money payable as a result of the interest; or
- (2) otherwise communicated with the association regarding the interest or a dividend, distribution, or other money payable as a result of the interest, as evidenced by a memorandum or other record on file with the association prepared by an employee of the association.

(b) At the expiration of a seven-year period following the failure of the owner to claim a dividend, distribution, or other sum payable to the owner as a result of the interest, the interest is not presumed abandoned unless there have been at least seven (7) dividends, distributions, or other sums paid during the period, none of which has been claimed by the owner. If seven (7) dividends, distributions, or other sums are paid during the seven-year period, the period leading to a presumption of abandonment commences on the date payment of the first such unclaimed dividend, distribution, or other sum became due and payable. If seven (7) dividends,

distributions, or other sums are not paid during the presumptive period, the period continues to run until there have been seven (7) dividends, distributions, or other sums that have not been claimed by the owner.

(c) The running of the seven-year period of abandonment ceases immediately upon the occurrence of a communication described in subsection (a) of this section. If any future dividend, distribution, or other sum payable to the owner as a result of the interest is subsequently not claimed by the owner, a new period of abandonment commences and relates back to the time a subsequent dividend, distribution, or other sum became due and payable.

(d) At the time an interest is presumed abandoned under this section, any dividend, distribution, or other sum then held for or owing to the owner as a result of the interest, and not previously presumed abandoned, is presumed abandoned.

(e) A stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions, or other sums payable as a result of the interest shall be subject to this section, except that the period of abandonment shall be fifteen (15) years. Such property shall not be presumed to be abandoned if the holder has sent a statement or other business communication concerning such property to the owner by first-class mail and the statement or other business communication has not been returned for inability to make delivery to the addressee. The fifteen-year abandonment period shall begin to run when any statement or other business communication to the owner has been returned as undeliverable, or on the last date that the owner has communicated with the holder in any of the ways specified in subsection (a) of this section, whichever is the later. If, at the time provided for delivery in Section 663 of this title, any penalty or forfeiture in the payment of dividends, distributions, or other sums payable as a result of the property would result from its

delivery to the Commission, the time for delivery shall be extended until the time when no penalty or forfeiture would result.

(f) This act shall not apply to patronage dividends, capital credits, customer deposits or non-negotiated payment checks held or owing by cooperative electric power or telephone associations organized under Sections 437 and 438.1 of Title 18 of the Oklahoma Statutes, rural water, sewer, gas and solid waste management districts organized under Section 1324.1 of Title 82 of the Oklahoma Statutes, or agricultural cooperative marketing or supply associations organized under Section 361 of Title 2 of the Oklahoma Statutes; when such associations are domiciled in Oklahoma.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 655.1 of Title 60, unless there is created a duplication in numbering, reads as follows:

Intangible property distributable in the course of a dissolution of a business association which remains unclaimed by the owner for more than one (1) year after the date specified for final distribution is presumed abandoned.

SECTION 10. AMENDATORY 60 O.S. 1981, Section 656, as amended by Section 5, Chapter 278, O.S.L. 1982 (60 O.S. Supp. 1990, Section 656), is amended to read as follows:

Section 656. ~~All intangible personal~~ (a) Intangible property and any income or increment ~~thereon~~ derived therefrom held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner ~~has~~, within seven (7) years after it ~~becomes~~ has become payable or distributable, has increased or decreased the principal, accepted payment of principal or income, ~~corresponded in writing~~ communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary.

~~1. If the property is held by a banking organization or a financial organization, or by a business association organized under the laws of or created in this state; or~~

~~2. If it is held by a business association, doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last-known address of the person entitled thereto is in this state; or~~

~~3. If it is held in this state by any other person.~~

(b) Funds in an individual retirement account or a retirement plan for self-employed individuals or similar account or plan established under the Internal Revenue laws of the United States are not payable or distributable within the meaning of subsection (a) of this section unless, under the terms of the account or plan, distribution of all or part of the funds would then be mandatory.

(c) For the purpose of this section, a person who holds property as an agent for a business association is deemed to hold the property in a fiduciary capacity for that business association alone, unless the agreement between him and the business association provides otherwise.

(d) For the purposes of this act, a person who is deemed to hold property in a fiduciary capacity for a business association alone is the holder of the property only insofar as the interest of the business association in the property is concerned, and the business association is the holder of the property insofar as the interest of any other person in the property is concerned.

SECTION 11. AMENDATORY 60 O.S. 1981, Section 657, is amended to read as follows:

Section 657. ~~All intangible personal~~ Intangible property held for the owner by ~~any~~ a court, state or other government, governmental subdivision or agency, public corporation, or public authority, ~~or public officer of this state, or a political~~

~~subdivision thereof, that has remained~~ which remains unclaimed by the owner for more than ~~three (3) years~~ one (1) year after becoming payable or distributable is presumed abandoned.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 657.1 of Title 60, unless there is created a duplication in numbering, reads as follows:

(a) A gift certificate or a credit memo issued in the ordinary course of an issuer's business which has a value of more than Fifty Dollars (\$50.00) and remains unclaimed by the owner for more than five (5) years after becoming payable or distributable is presumed abandoned.

(b) In the case of a gift certificate, the amount presumed abandoned is the price paid by the purchaser for the gift certificate. In the case of a credit memo, the amount presumed abandoned is the amount credited to the recipient of the memo. In applying the Fifty Dollar (\$50.00) limitation, individual gift certificates or credit memos to the same owner shall not be aggregated.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 657.2 of Title 60, unless there is created a duplication in numbering, reads as follows:

Unpaid wages, including wages represented by unrepresented payroll checks, owing in the ordinary course of the holder's business which remain unclaimed by the owner for more than one (1) year after becoming payable are presumed abandoned.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 657.3 of Title 60, unless there is created a duplication in numbering, reads as follows:

All tangible and intangible personal property held in a safe deposit box or other safekeeping repository in this state in the ordinary course of the holder's business and proceeds resulting from the sale of the property permitted by other law, which remain

unclaimed by the owner for more than five (5) years after the lease or rental period on the box or other repository has expired, are presumed abandoned.

SECTION 15. AMENDATORY 60 O.S. 1981, Section 658, as amended by Section 6, Chapter 278, O.S.L. 1982 (60 O.S. Supp. 1990, Section 658), is amended to read as follows:

Section 658. ~~All~~ (a) Except as otherwise provided by this act, all intangible personal property, ~~not otherwise covered by the Uniform Disposition of Unclaimed Property Act,~~ including any income or increment ~~thereon and deducting~~ derived from the property, less any lawful charges, that is held, issued, or owing ~~in this state~~ in the ordinary course of a holder's business ~~of the holder~~ and has remained unclaimed by the owner for more than ~~seven (7)~~ five (5) years after ~~it became~~ becoming payable or distributable is presumed abandoned; ~~provided, that no travelers' check shall be presumed abandoned until it has been outstanding for fifteen (15) years from its date of issuance.~~

(b) Property is payable or distributable for the purposes of this act notwithstanding the owner's failure to demand the property or to present an instrument or document required to receive payment of the property.

SECTION 16. AMENDATORY 60 O.S. 1981, Section 658.1, as amended by Section 2, Chapter 146, O.S.L. 1988 (60 O.S. Supp. 1990, Section 658.1), is amended to read as follows:

Section 658.1 (a) Any mineral interest in land in Oklahoma shall be subject to escheat under the provisions of Sections 271 through 277 of Title 84 of the Oklahoma Statutes if it generates an intangible property interest which is presumed abandoned under the Uniform ~~Disposition of~~ Unclaimed Property Act (1981) as provided in Sections 651 through 686 of Title 60 of the Oklahoma Statutes; or under similar laws of another state ~~as described in Section 660 of Title 60 of the Oklahoma Statutes.~~

All holders of intangible property interests generated by a mineral interest in land in Oklahoma shall report to the Commission, in addition to the reporting otherwise required by law, the names ~~of~~ and the last-known addresses of owners of record of the unclaimed mineral interest, the legal description of the land affected, and the extent of the property rights in the mineral interest. Only one report with respect to each owner and mineral interest is necessary; subsequent reports must include complete information with respect to all new owners and new unclaimed mineral interests.

The Commission shall send a copy of the report required by this section to the Attorney General, to the district attorney of the county in which the land is located, and to the county clerk of the county in which the land is located, and the clerk shall maintain said list for public viewing. The clerk shall also report to the board of county commissioners that the report has been received, said receipt to be noted in the minutes of the meeting, so the public can be informed.

The Commission is authorized to develop procedures for the implementation of this act.

(b) At the time any owner's mineral proceeds are presumed abandoned under this section, any mineral proceeds then held for or owing to the owner as a result of the underlying right and any mineral proceeds accruing after that time as a result of the underlying right and not previously presumed abandoned are presumed abandoned.

SECTION 17. AMENDATORY Section 1, Chapter 85, O.S.L. 1985 (60 O.S. Supp. 1990, Section 658.1A), is amended to read as follows:

Section 658.1A Mineral interests which have generated intangible personal property may be presumed by the district court to be abandoned and subject to the provisions that apply to mineral interests covered by Section 658.1 of Title 60 of the Oklahoma

Statutes and Sections 271 through 277 of Title 84 of the Oklahoma Statutes if the court determines that the mineral interests should have been reported to the Oklahoma Tax Commission, Unclaimed Property Division but were not so reported as required by the Uniform ~~Disposition of~~ Unclaimed Property Act (1981).

SECTION 18. AMENDATORY 60 O.S. 1981, Section 659, is amended to read as follows:

Section 659. Unless otherwise provided in this act or by other statute of this state, intangible personal property is subject to a ~~presumption of abandonment under this act~~ the custody of this state as unclaimed property if the ~~appropriate conditions leading to raising a presumption of abandonment, described in~~ under Sections 2 through 8 of this act 651.1 and 651.3 through 658.1A of this title are met satisfied, and ~~if~~:

(a) ~~The~~ the last-known address, as shown on the records of the holder, of the apparent owner appearing on the records of the holder is in this State, ~~whether or not the holder:~~

~~(1) is domiciled in this state or is engaged in or transacts business in this state, or~~

~~(2) if a court, public corporation, public authority, or public officer, is a court, public corporation, public authority, or public officer of this state or a political subdivision thereof; or;~~

(b) ~~No address of the owner appears on~~ the records of the holder do not reflect the identity of the person entitled to the property and it is established that the last-known address of the person entitled to the property is in this state;

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

(1) domiciled the last-known address of the person entitled to the property is in this state, or

~~(2) a court of this state, or~~ the holder is a domiciliary or a government or governmental subdivision or agency of this state 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

~~(3) a federal court within this state, or~~

~~(4) a public corporation, a public authority, or public officer of this state or a political subdivision thereof; or,~~

~~(c) (1) The~~ (d) the last-known address, as shown on the records of the holder, of the apparent owner appearing on the records of the holder is in another a state, and

~~(2) such other state makes no provision in its laws that does not provide by law for the escheat or custodial taking eustody of such the property or its escheat or unclaimed property law is not applicable to the property, and~~

~~(3) the holder is:~~

~~(A) domiciled in this state, or~~

~~(B) a court of this state, or~~

~~(C) a federal court within this state, or~~

~~(D) a public corporation, public authority, or public officer of this state or a political subdivision thereof~~
the holder is a domiciliary, government, or governmental subdivision or agency, including a municipality, of this state;

(e) the last-known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the holder is a domiciliary or a government or governmental subdivision or agency of this state; or

(f) the transaction out of which the property arose occurred in this state, and

- (1) (A) the last-known address of the apparent owner or other person entitled to the property is unknown,
or
(B) the last-known address of the apparent owner or other person entitled to the property is in a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property, and
- (2) the holder is a domiciliary of a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property.

SECTION 19. AMENDATORY Section 6, Chapter 320, O.S.L. 1983 (52 O.S. Supp. 1990, Section 556), is amended to read as follows:

Section 556. The State Treasurer shall retain custody of the Mineral Owner's Fund and annually on a date established by regulation shall transfer to the Unclaimed Property Fund those monies which have been in escrow accounts and the Mineral Owner's Fund seven (7) years or more after the date of pooling. After that time, such monies shall be subject to the Uniform Unclaimed Property Act (1981), Sections ~~561~~ 651 et seq. of Title 60 of the Oklahoma Statutes.

SECTION 20. AMENDATORY 60 O.S. 1981, Section 661, as last amended by Section 9, Chapter 281, O.S.L. 1988 (60 O.S. Supp. 1990, Section 661), is amended to read as follows:

Section 661. A. ~~Every~~ A person holding ~~funds or other~~ property, tangible or intangible, presumed abandoned and subject to custody as unclaimed property under the Uniform ~~Disposition of~~ Unclaimed Property Act (1981) shall report to the Oklahoma Tax

Commission ~~with respect to~~ concerning the property as ~~hereinafter~~ provided in this section.

B. The report ~~shall~~ must be verified and ~~shall~~ must include:

1. The name, if known, and last-known address, if any, of each person appearing from the records of the holder to be the owner of property of the value of Fifty Dollars (\$50.00) or more presumed abandoned under the Uniform ~~Disposition of~~ Unclaimed Property Act (1981);

2. In the case of unclaimed funds of ~~life insurance corporations~~ Fifty Dollars (\$50,00) or more held or owing under any life or endowment insurance policy or annuity contract, the full name and last-known address of the insured or annuitant and ~~his last-known address~~ of the beneficiary according to the records of the ~~life insurance corporation~~ company holding or owing the funds;

3. In the case of the contents of a safe deposit box or other safekeeping repository or of other tangible personal property, a description of the property and the place where it is held and may be inspected by the Commission and any amounts, including offsets for drilling costs and rent, owing to the holder;

4. The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that (A) items of value under Fifty Dollars (\$50.00) each may be reported in the aggregate, and (B) on request of the holder, the Oklahoma Tax Commission may, in its discretion, approve the reporting of one or more categories of unclaimed funds in the aggregate on an estimated basis, whenever it shall appear that each of the items in any such category has a value of less than Fifty Dollars (\$50.00) and the cost of reporting such items would be disproportionate to the amounts involved; and

~~4.~~ 5. The date when the property became payable, demandable or returnable, and the date of the last transaction with the owner with respect to the property.

C. If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner, or if the holder has changed his name while holding the property, he shall file with his report all ~~prior~~-known names and addresses of each previous holder of the property.

D. The report ~~shall~~ must be filed before November 1 of each year for property reportable as of the preceding September 1 ~~next preceding~~, but the report of any life insurance ~~corporations~~ company must be filed before May 1 of each year for property reportable as of the preceding March 1 ~~next preceding~~. The Oklahoma Tax Commission may postpone the reporting date upon written request by any person required to file a report.

E. ~~Before~~ Not more than one hundred twenty (120) days before filing the ~~annual~~ report required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under the Uniform ~~Disposition of Unclaimed Property Act (1981)~~ shall, ~~if the claim of the owner has not been barred by the statute of limitations, communicate with the owner with respect to property of the value of Fifty Dollars (\$50.00) or more at his last-known address if any such address is known to the holder, setting forth the provisions hereof necessary to occur in order to prevent abandonment from being presumed; provided, however, that the holder in his discretion need not so communicate with~~ send written notice to the apparent owner at the owner's last-known address informing him that the holder is in possession of property subject to this act if:

- (1) the holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate,
- (2) the claim of the apparent owner is not barred by the statute of limitations, and

(3) the property has a value of Fifty Dollars (\$50.00) or more. The holder is not required to send written notice to the owner if he has previously attempted to communicate with the owner, or otherwise exercised due diligence to ascertain the whereabouts of the owner. The mailing of notice by first-class mail to the last-known address of the owner by the holder shall constitute compliance with this subsection and, if done, no further act on the part of the holder shall be necessary.

~~F. Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.~~

~~G. Notwithstanding anything to the contrary in the Uniform Disposition of Unclaimed Property Act:~~

~~1. The initial report filed under the Uniform Disposition of Unclaimed Property Act shall include all items of property that would have been presumed abandoned if the Uniform Disposition of Unclaimed Property Act had been in effect during the ten-year period preceding April 24, 1967; provided, that those items of property as to which the bar of the applicable statute of limitations has accrued as of April 24, 1967, need not be reported;~~

~~2. If (1981) if the aggregate value of all items of property held for or owed or distributable to an owner and unclaimed hereunder is less than Fifty Dollars (\$50.00), such property shall not be required to be reported under the Uniform Disposition of Unclaimed Property Act (1981).~~

Should any holder wish to be relieved of the burden of holding such excludable property it may, at its election, report such property and be accorded the protection of Section 664 of this title.

~~H. G.~~ Reports filed by a holder shall remain confidential except for that information required to be subject to public inspection pursuant to the Uniform ~~Disposition of~~ Unclaimed Property Act (1981).

SECTION 21. AMENDATORY 60 O.S. 1981, Section 662, as amended by Section 8, Chapter 278, O.S.L. 1982 (60 O.S. Supp. 1990, Section 662), is amended to read as follows:

Section 662. A. ~~Within one hundred twenty (120) days from the filing of the report required by Section 661 of this title, the~~ The Oklahoma Tax Commission shall cause notice to be published not later than March 1, or in the case of property reported by life insurance companies, September 1, of the year following the report required by Section 661 of this title at least once each week for two (2) ~~successive~~ consecutive weeks in a legal newspaper of general circulation in the county in this state in which is located the last-known address of any person to be named in the notice. If no address is listed or if the address is outside this state, the notice ~~shall~~ must be published in the county in which the holder of the abandoned property has his principal place of business within this state, or in a newspaper which the Commission believes most likely to be seen by the owner of the property or by heirs of the owner.

B. The published notice ~~shall~~ must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property", and ~~shall~~ contain:

1. The names in alphabetical order and last-known ~~addresses~~ address, if any, of persons listed in the report and entitled to notice within the county as ~~hereinbefore~~ specified in subsection A of this section;

2. A statement that information concerning the ~~amount or description of the~~ property and the name and last-known address of the holder may be obtained by any ~~persons~~ person possessing an

interest in the property by addressing an inquiry to the Oklahoma Tax Commission; and

3. A statement that if proof of claim is not presented by the owner to the holder and ~~if~~ the right of the owner to receive the property is not established to the satisfaction of the holder ~~within sixty-five (65) days from the date of the second published notice before April 20, or, in the case of property reported by life insurance companies, before October 20,~~ the abandoned property will be placed not later than eighty-five (85) days after such publication date May 1, or in the case of property reported by life insurance companies, not later than November 1, in the custody of the Oklahoma Tax Commission ~~to which~~ and all further claims must thereafter be directed to the Oklahoma Tax Commission.

C. The Oklahoma Tax Commission is not required to publish in ~~such the~~ notice any ~~item~~ items of less than Fifty Dollars (\$50.00) unless it ~~deems such~~ considers their publication to be in the public interest.

D. ~~Within one hundred twenty (120) days from the receipt of~~ Not later than March 1, or in the case of property reported by life insurance companies, not later than September 1, of the year immediately following the report required by Section 661 of this title, the Oklahoma Tax Commission shall mail a notice to each person ~~having an~~ whose last-known address is listed ~~therein~~ in the report and who appears to be entitled to property of the value of Fifty Dollars (\$50.00) or more presumed abandoned under the Uniform ~~Disposition of~~ Unclaimed Property Act (1981) and any beneficiary of a life or endowment insurance policy or annuity contract for whom the Commission has a last-known address.

E. The mailed notice ~~shall~~ must contain:

1. A statement that, according to a report filed with the Oklahoma Tax Commission, property is being held to which the addressee appears entitled.;

2. The name and last-known address of the person holding the property and any necessary information regarding the changes of name and last-known address of the holder; and

3. A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the Oklahoma Tax Commission ~~to whom all further claims must be directed~~ and all further claims must be directed to the Commission.

SECTION 22. AMENDATORY 60 O.S. 1981, Section 663, is amended to read as follows:

Section 663. ~~Every~~ (a) Except as otherwise provided in subsections (b) and (c) of this section, a person who has filed is required to file a report as provided by Section 11 shall within twenty (20) days after the time specified in Section 12 for claiming the property from the holder, or in the case of sums payable or travelers' checks or money orders presumed abandoned under Section 2 within twenty (20) days after the filing of the report under Section 661 of this title, within six (6) months after the final date for filing the report as required by Section 661, shall, pay or deliver to the Commission all abandoned property specified in the report required to be reported after first deducting therefrom expenses incurred in the mailing of notices required by subsection E of Section 11(e) 661 of this title and any offsets as provided by law. Any such person who, pursuant to a statutory requirement, filed a bond or bonds pertaining to such abandoned property with the Oklahoma Tax Commission may also deduct an amount equivalent to that part of the bond premium attributable to such abandoned property. ~~Provided, however, that if~~

(b) If the owner establishes his the right to receive the abandoned property to the satisfaction of the holder within the time specified in Section 12 before the property has been delivered, or if it appears that for some other reason the presumption of

abandonment is erroneous, the holder need not pay or deliver the property to the Commission, which and the property will no longer be presumed abandoned, ~~to the Commission, but in lieu thereof.~~ In that case the holder shall file with the Commission a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

(c) Abandoned property that consists of any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions, or other sums payable as a result of the interest, may be retained by the holder or paid or delivered to the Commission at the option of the holder.

(d) The holder of an ownership interest under Section 655 of this title shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the Commission. Upon delivery of a duplicate certificate to the Commission, 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 liability as provided in Section 664 of this title to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the Commission, for losses or damages resulting to any person by the issuance and delivery to the Commission of the duplicate certificate.

SECTION 23. AMENDATORY 60 O.S. 1981, Section 664, is amended to read as follows:

Section 664. (a) Upon the payment or delivery of abandoned property to the Oklahoma Tax Commission, the state shall assume ~~assumes~~ custody and ~~shall be responsible~~ responsibility for the safekeeping ~~thereof~~ of the property. ~~Any~~ A person who pays or delivers ~~abandoned~~ property to the Oklahoma Tax Commission ~~under~~ this act in good faith is relieved of all liability to the extent of

the value of the property ~~so~~ paid or delivered for any claim ~~which~~ then ~~exists~~ existing or which thereafter may arise or be made in respect to the property. ~~Any~~

(b) A holder who has paid ~~monies~~ money to the Oklahoma Tax Commission pursuant to this act may make payment to any person appearing to ~~such~~ the holder to be entitled ~~thereto~~ to payment; and upon filing proof of such payment and proof that the payee was entitled thereto, the Oklahoma Tax Commission shall ~~forthwith~~ promptly reimburse the holder for the payment without imposing a fee or other charge. If reimbursement is sought for a payment made on a negotiable instrument, including a travelers check or money order, the holder must be reimbursed under this subsection upon filing proof that the instrument was presented and that payment was made to a person who appeared to the holder to be entitled to payment. The holder must be reimbursed for payment made under this subsection even if the holder paid a person whose claim was barred under subsection (a) of Section 666 of this title.

(c) A holder who has delivered property (including a certificate of an ownership interest in a business association) other than money to the Commission pursuant to this act may reclaim the property if still in the possession of the Commission, without paying any fee or other charge, upon filing proof that the owner has claimed the property from the holder.

(d) The Commission may accept the holder's affidavit as sufficient proof of the facts that entitle the holder to recover money and property under this section.

(e) If the holder pays or delivers property to the Commission in good faith and thereafter another person claims the property from the holder or another state claims the money or property under its laws relating to escheat or abandoned or unclaimed property, the Commission, upon written notice of the claim, shall defend the holder against the claim and, to the extent of the property's value,

shall indemnify the holder against liability on the claim. Neither the holder nor the Commission shall be liable for more than the value of the property, determined as of the time of its payment or delivery to the Commission, if the holder paid or delivered the property to the Commission in good faith.

(f) For the purposes of this section, "good faith" means that:

- (1) payment or delivery was made in a reasonable attempt to comply with this act;
- (2) the person delivering the property was not a fiduciary then in breach of trust in respect to the property and had a reasonable basis for believing, based on the facts then known to him, that the property was abandoned for the purposes of this act; and
- (3) there is no showing that the records under which the delivery was made did not meet reasonable commercial standards of practice in the industry.

SECTION 24. AMENDATORY 60 O.S. 1981, Section 665, is amended to read as follows:

Section 665. ~~When~~ Whenever property other than money is paid or delivered to the Commission under this act, the owner is ~~not~~ entitled to receive ~~income~~ from the Commission dividends, interest, or other increments accruing thereafter realized or accruing on the property at or before liquidation or conversion thereof into money.

SECTION 25. AMENDATORY 60 O.S. 1981, Section 666, is amended to read as follows:

Section 666. (a) The expiration after the effective date of this act, of any period of time specified by contract, statute, or court order, during which a claim for money or property can be made or during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or ~~recovery of~~ to recover property, ~~shall~~ does not

prevent the money or property from being presumed abandoned property,~~nor~~ or affect any duty to file a report ~~required by this act~~ or to pay or deliver abandoned property to the Commission as required by this act.

(b) No action or proceeding may be commenced by the Commission with respect to any duty of a holder under this act more than four (4) years after the holder's filing the report pursuant to Section 661 of this title or ten (10) years after the duty arose, whichever is the earlier.

(c) Notwithstanding subsection (b) of this section or any other provision of law, the expiration of any period of time specified by law during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property shall not serve as a defense in any action or proceeding brought by or on behalf of the Commission against any federal, state or local government or governmental subdivision, agency, entity, officer or appointee thereof, for the payment or delivery of any abandoned property to the Commission pursuant to this act or to enforce or collect any penalty provided by this act.

(d) The provisions of subsection (c) of this section shall apply to all abandoned property held by any federal, state or local government or governmental subdivision, agency, entity, officer or appointee thereof, at the time of enactment, or at any time thereafter, regardless of when such property became or becomes presumptively abandoned.

SECTION 26. AMENDATORY 60 O.S. 1981, Section 667, is amended to read as follows:

Section 667. (a) ~~All abandoned property other than money delivered to the Commission under this act shall within one (1) year after the delivery be sold by~~ Except as provided in subsections (c)

and (d) of this section, the Commission, within three (3) years after the receipt of abandoned property, shall sell it to the highest bidder at public sale in whatever city in the state affords in ~~its~~ the judgment of the Commission the most favorable market for the property involved. The Commission may decline the highest bid and reoffer the property for sale if ~~it considers the price bid in the judgment of the Commission the bid is~~ insufficient. ~~It need not offer any property for sale if, in its opinion,~~ If in the judgment of the Commission the probable cost of sale exceeds the value of the property, it need not be offered for sale. ~~(b)~~ Any sale held under this section ~~shall~~ must be preceded by a single publication of notice ~~thereof,~~ at least three (3) weeks in advance of sale in a legal newspaper of general circulation in the county where the property is to be sold, the county of residence of the holder and the county of the last-known address of the owner.

(b) Securities listed on an established stock exchange must be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by another method the Commission considers advisable.

(c) Unless the Commission considers it to be in the best interest of the state to do otherwise, all securities, other than those presumed abandoned under Section 655 of this title, delivered to the Commission must be held for at least one (1) year before it may sell them.

(d) Unless the Commission considers it to be in the best interest of the state to do otherwise, all securities presumed abandoned under Section 655 of this title and delivered to the Commission must be held for at least three (3) years before it may sell them. If the Commission sells any securities delivered pursuant to Section 655 of this title before the expiration of the three-year period, any person making a claim pursuant to this act is

entitled to either the proceeds of the sale of the securities or other market value of the securities at the time the claim is made, whichever amount is greater, less any deduction for fees pursuant to Section 668 of this title. A person making a claim under this act after the expiration of this period is entitled to receive either the securities delivered to the Commission by the holder, if they still remain in the hands of the Commission, or the proceeds received from sale, less any amounts deducted pursuant to Section 668, but no person has any claim under this section against the state, the holder, any transfer agent, registrar, or other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the holder to the Commission.

~~(e)~~ (e) The purchaser at any sale conducted by the Commission pursuant to this act ~~shall receive title to~~ takes the property ~~purchased~~, free ~~from~~ of all claims of the owner or prior holder thereof and of all persons claiming through or under them. The Commission shall execute all documents necessary to complete the transfer of ~~title~~ ownership.

SECTION 27. AMENDATORY 60 O.S. 1981, Section 669, as amended by Section 1, Chapter 107, O.S.L. 1984 (60 O.S. Supp. 1990, Section 669), is amended to read as follows:

Section 669. The Oklahoma Tax Commission is hereby vested with authority and the responsibility for the control and management of all monies in the Unclaimed Property Fund as provided for in the Uniform ~~Disposition of~~ Unclaimed Property Act (1981). It shall be the duty of said Commission to take such steps as may be necessary to preserve the principal of monies accruing to the Unclaimed Property Fund as a trust for persons claiming any interest in any property delivered to the state pursuant to the provisions of the Uniform ~~Disposition of~~ Unclaimed Property Act (1981).

SECTION 28. AMENDATORY 60 O.S. 1981, Section 671, as amended by Section 3, Chapter 107, O.S.L. 1984 (60 O.S. Supp. 1990, Section 671), is amended to read as follows:

Section 671. If, at any time, the reserve as provided for in the Uniform ~~Disposition of~~ Unclaimed Property Act (1981) is insufficient to pay in full established claims, the Commission immediately shall

1. redetermine, on the basis of past experience, the percentage necessary to be maintained in the reserve; and
2. cease to make any payments to the General Revenue Fund until
 - a. all validly established claims as provided for in the Uniform ~~Disposition of~~ Unclaimed Property Act (1981) have been paid; and
 - b. there is accumulated in the reserve the sum required to be kept therein under the redetermination, whereupon the Commission shall resume payments to the General Revenue Fund in accordance with the terms of the Uniform ~~Disposition of~~ Unclaimed Property Act (1981).

SECTION 29. AMENDATORY 60 O.S. 1981, Section 674, as amended by Section 10, Chapter 281, O.S.L. 1988 (60 O.S. Supp. 1990, Section 674), is amended to read as follows:

Section 674. ~~Any~~ (a) A person, excluding another state, claiming an interest in any property valued at Fifty Dollars (\$50.00) or more delivered to the ~~state under this act~~ Commission may file a claim ~~thereto or to the proceeds from the sale thereof~~ on the a form prescribed by the Oklahoma Tax Commission and verified by the claimant. The date of filing of a claim shall be the date it is received by the Commission with all supporting documentation from the claimant. Any property with a value of less than Fifty Dollars (\$50.00) shall escheat to the state.

(b) The Commission shall consider each claim within ninety (90) days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the address to which notices are to be sent or the address of the claimant.

(c) If a claim is allowed, the Commission shall pay over or deliver to the claimant the property or the amount the Commission actually received or the net proceeds if it has been sold by the Commission, together with any additional amount required by Section 665 of this title. If the claim is for property presumed abandoned under Section 655 of this title which was sold by the Commission within three (3) years after the date of delivery, the amount payable for that claim is the value of the property at the time the claim was made or the net proceeds of sale, whichever is greater.

SECTION 30. AMENDATORY 60 O.S. 1981, Section 675, is amended to read as follows:

Section 675. (a) The Oklahoma Tax Commission shall consider any claim filed under this act and may hold a hearing and receive evidence concerning it. The procedure to be followed hereunder shall be as prescribed by the Administrative Procedures Act in Title 75. If a hearing is held, the Commission shall prepare a finding and decision in writing on each claim filed, stating the substance of any evidence heard by it and the reasons for its decision. The decision shall be a public record.

(b) Upon approval by the Oklahoma Tax Commission the claim shall be paid forthwith from the Unclaimed Property Fund. The claim shall

be paid without deduction for costs of notices or sale or for service charges.

SECTION 31. AMENDATORY 60 O.S. 1981, Section 676, is amended to read as follows:

Section 676. ~~Any~~ A person aggrieved by a decision of the Oklahoma Tax Commission, ~~or as to whose claim the Oklahoma Tax Commission has failed to act~~ has not been acted upon within ninety (90) days after ~~the~~ its filing ~~of the claim,~~ may ~~commence~~ bring an action to establish a claim in the district court of the county of such person's residence or in the district court of Oklahoma County ~~to establish his claim naming the Commission as a defendant.~~ The ~~proceeding shall~~ action must be brought within ninety (90) days after the decision of the Oklahoma Tax Commission ~~and~~ or within one hundred eighty (180) days ~~from~~ after the filing of the claim, if the Oklahoma Tax Commission ~~fails~~ has failed to act on it. The ~~procedure to be followed hereunder shall be as prescribed by Title 75 Oklahoma Statutes 318 through 323, both inclusive~~ If the aggrieved person establishes the claim in an action against the Commission, the court shall award him costs and, if the court determines that the Commission's position was not substantially justified, it may also award him reasonable attorney's fees.

SECTION 32. AMENDATORY 60 O.S. 1981, Section 677, is amended to read as follows:

Section 677. (a) The Oklahoma Tax Commission, ~~after receiving reports of property deemed abandoned pursuant to this act,~~ may decline to receive any property reported under this act which it ~~deems~~ considers to have a value less than the ~~cost~~ expense of giving notice and holding of sale, ~~or said Commission may, if deemed desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates.~~ If the Commission elects not to receive custody of the property, the holder shall be

notified before the date specified in Section 663 of this title for payment or delivery of the property to the Commission.

(b) A holder, with the written consent of the Commission and upon conditions and terms prescribed by it, may report and deliver property before the property is presumed abandoned. Property delivered under this subsection must be held by the Commission and is not presumed abandoned until such time as it otherwise would be presumed abandoned under this act.

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 677.1 of Title 60, unless there is created a duplication in numbering, reads as follows:

If the Commission determines after investigation that any property delivered under this act has insubstantial commercial value, the Commission may destroy or otherwise dispose of the property at any time as long as reasonable notice has been given to the holder. No action or proceeding may be maintained against the state or any officer or against the holder for or on account of any action taken by the Commission pursuant to this section.

SECTION 34. AMENDATORY 60 O.S. 1981, Section 678, is amended to read as follows:

Section 678. (a) The Oklahoma Tax Commission may require any person who has not filed a report to file a verified report stating whether or not the person is holding any unclaimed property reportable or deliverable under this act. If the Commission has reason to believe that any person has failed to report property in accordance with this act, it may make a demand by certified mail, return receipt requested, that such report be made and filed with the Commission. The report of abandoned property or any other report required shall be made and filed with the Commission within sixty (60) days after receipt of the demand.

(b) The Commission may at reasonable times and upon reasonable notice examine the records of any person if the Commission has

reason to believe that such person has failed to report property that should have been reported pursuant to this act.

Notwithstanding Section 205 of Title 68 of the Oklahoma Statutes, the Commission shall not use any information or evidence obtained in the course of an audit for purposes of investigation or enforcement of any state tax law.

(c) If a person is treated under Section 656 of this title as the holder of the property only insofar as the interest of the business association in the property is concerned, the Commission, pursuant to subsection (b) of this section, may examine the records of the person if the Commission has given the notice required by subsection (b) of this section to both the person and the business association at least ninety (90) days before the examination.

(d) If a holder fails after the effective date of this act to maintain the records required by Section 679.1 of this title and the records of the holder available for the periods subject to this act are insufficient to permit the preparation of a report, the Commission may require the holder to report and pay the amount that is reasonably estimated from any available records.

SECTION 35. AMENDATORY 60 O.S. 1981, Section 679, is amended to read as follows:

Section 679. (a) ~~If any person refuses to deliver property to the Commission as required under this act, the~~ The Commission shall ~~may~~ bring an action in a court of appropriate jurisdiction to enforce ~~such delivery~~ this act.

(b) The actual cost of any examination or investigation incurred by the Commission in administering any provision of this act ~~shall~~ may be borne by the holder examined or investigated, provided that in no case may the charges exceed the value of the property found to be reportable and deliverable as a result of the examination, and either:

(1) A written demand for a report shall have been made and not forthcoming in time specified in Section ~~28~~ 678 of this title; or

(2) A report has not been received, and the examination or investigation by the Commission establishes that the holder willfully or without reasonable cause has failed to report property reportable under this act and property reportable thereunder is discovered by such examination or investigation; or

(3) A report has been received and the examination or investigation by the Commission establishes that the holder willfully or without reasonable cause has failed to report additional property reportable under this act.

(c) The cost of examination made pursuant to subsection (c) of Section 678 of this title may be imposed only against the business association.

SECTION 36. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 679.1 of Title 60, unless there is created a duplication in numbering, reads as follows:

(a) Every holder required to file a report under Section 661 of this title, as to any property for which it has obtained the last-known address of the owner, shall maintain a record of the name and last-known address of the owner for ten (10) years after the property is reported, except to the extent that a shorter time period is provided in subsection (b) of this section or by rule of the Commission or the holder's regulatory agency or commission.

(b) Any business association that sells in this state its travelers checks, money orders, or other similar written instruments, other than third-party bank checks on which the business association is directly liable, or that provides such instruments to others for sale in this state, shall maintain a record of the instruments while they remain outstanding, indicating the state and date of issue for three (3) years after the date the property is reportable.

SECTION 37. AMENDATORY 60 O.S. 1981, Section 680, as last amended by Section 1, Chapter 244, O.S.L. 1989 (60 O.S. Supp. 1989, Section 680), is amended to read as follows:

Section 680. A. ~~Any~~ A person who fails to pay ~~abandoned funds~~ or deliver property within the time prescribed by the Uniform ~~Disposition of Unclaimed Property Act (1981)~~, Section 651 et seq. of this title, shall be required to pay interest at the annual rate of ~~eighteen percent (18%)~~ ten percent (10%) on the property or value thereof from the date ~~it was due~~ the property should have been paid or delivered.

B. In addition to the penalty imposed in subsection A of this section, ~~any~~ a person who willfully fails to render any report or ~~to pay abandoned funds or~~ deliver property or perform any other duties required under the Uniform ~~Disposition of Unclaimed Property Act~~ ~~may be fined up to (1981)~~ shall pay a civil penalty of One Hundred Dollars (\$100.00) for each day the report is withheld or the duty is not performed, not to exceed but not more than Five Thousand Dollars (\$5,000.00) per year per holder.

C. A person who willfully fails to pay or deliver property to the Commission as required under this act shall pay a civil penalty equal to twenty-five percent (25%) of the value of the property that should have been paid or delivered.

D. A person who willfully refuses after written demand by the Commission to pay or deliver property to the Commission as required under this act is guilty of a misdemeanor and upon conviction may be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisonment for not more than six (6) months, or both.

E. The interest or penalty or any portion thereof, as imposed by subsections A ~~or~~, B or C of this section, may be waived or remitted by the Oklahoma Tax Commission if the person's failure to pay abandoned funds or deliver property is satisfactorily explained

to the Tax Commission or if such failure has resulted from a mistake by the person of either the law or the facts subjecting that person to pay abandoned funds or deliver property subject to the Uniform ~~Disposition of~~ Unclaimed Property Act (1981), or inability to pay such interest or penalty resulting from insolvency.

SECTION 38. AMENDATORY 60 O.S. 1981, Section 681, is amended to read as follows:

Section 681. The Oklahoma Tax Commission ~~is hereby authorized to make~~ may adopt necessary rules ~~and regulations~~ to carry out the provisions of this act. Promulgation of any rules shall be in accordance with the Administrative Procedures Act in Title 75 of the Oklahoma Statutes.

SECTION 39. AMENDATORY 60 O.S. 1981, Section 682, is amended to read as follows:

Section 682. This act ~~shall~~ does not apply to any property ~~that has been presumed abandoned or escheated under the laws of another state prior to the effective date of this act~~ held, due and owing in a foreign country and arising out of a foreign transaction.

SECTION 40. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 683.1 of Title 60, unless there is created a duplication in numbering, reads as follows:

(a) The Commission may enter into agreements with other states to exchange information needed to enable this or another state to audit or otherwise determine unclaimed personal property that it or another state may be entitled to subject to a claim of custody. The Commission by rule may require the reporting of information needed to enable compliance with agreements made under this section and prescribe the form.

(b) To avoid conflicts between the Commission's procedures and the procedures in other jurisdictions that enact the Uniform Unclaimed Property Act, the Commission, so far as it is consistent with the purposes, policies, and provisions of this act, before

adopting, amending, or repealing rules, shall advise and consult with administrators in other jurisdictions that enact substantially the Uniform Unclaimed Property Act and take into consideration the rules of administrators in other jurisdictions that enact the Uniform Unclaimed Property Act.

(c) The Commission may join with other states to seek enforcement of this act against any person who is or may be holding property reportable under this act.

(d) At the request of another state, the Attorney General of this state may bring an action in the name of the other state in any court of competent jurisdiction to enforce the unclaimed property laws of the other state against a holder in this state of property subject to escheat or a claim of abandonment by the other state, if the other state has agreed to pay expenses incurred by the Attorney General in bringing the action.

(e) The Commission may request that the Attorney General of another state or any other person bring an action to enforce this act in the other state. This state shall pay all expenses including attorney fees in an action under this subsection. The Commission may agree to pay the person bringing the action attorney fees based in whole or in part on a percentage of the value of property recovered in the action. Any expenses paid pursuant to this subsection may not be deducted from the amount that is subject to a claim by the owner under this act.

SECTION 41. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 683.2 of Title 60, unless there is created a duplication in numbering, reads as follows:

(a) This act does not relieve a holder of a duty that arose before the effective date of this act to report, pay, or deliver property. A holder who did not comply with the law in effect before the effective date of this act is subject to the applicable enforcement and penalty provisions that then existed and they are

continued in effect for the purpose of this subsection, subject to subsection (b) of Section 666 of this title.

(b) The initial report filed under this act for property that was not required to be reported before the effective date of this act but which is subject to this act must include all items of property that would have been presumed abandoned during the ten-year period preceding the effective date of this act as if this act had been in effect during that period.

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 684.1 of Title 60, unless there is created a duplication in numbering, reads as follows:

(a) At any time after personal property has been paid or delivered to the Commission under this act another state may recover the property if:

- (1) the property was subjected to custody by this state because the records of the holder did not reflect the last-known address of the apparent owner when the property was presumed abandoned under this act, and the other state establishes that the last-known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;
- (2) the last-known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state;
- (3) the records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last-known address of the actual

owner is in the other state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;

- (4) the property was subjected to custody by this state under subsection (f) of Section 659 of this title and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or
- (5) the property is the sum payable on a travelers check, money order, or other similar instrument that was subjected to custody by this state under Section 651.2 of this title, and the instrument was purchased in the other state, and under the laws of that state the property escheated to or became subject to a claim of abandonment by that state.

(b) The claim of another state to recover escheated or abandoned property must be presented in a form prescribed by the Commission, which shall decide the claim within ninety (90) days after it is presented. The Commission shall allow the claim if it determines that the other state is entitled to the abandoned property under subsection (a) of this section.

(c) The Commission shall require a state, before recovering property under this section, to agree to indemnify this state and its officers and employees against liability on a claim for the property.

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 685.1 of Title 60, unless there is created a duplication in numbering, reads as follows:

The Uniform Unclaimed Property Act (1981) shall be applied and construed so as to effectuate its general purpose to make uniform the law with respect to unclaimed property among states enacting it.

SECTION 44. AMENDATORY 60 O.S. 1981, Section 686, is amended to read as follows:

Section 686. This act may be cited as the Uniform ~~Disposition~~ of Unclaimed Property Act (1981).

SECTION 45. AMENDATORY 6 O.S. 1981, Section 1201, as amended by Section 10, Chapter 316, O.S.L. 1986 (6 O.S. Supp. 1990, Section 1201), is amended to read as follows:

Section 1201. A. Voluntary liquidation - Approval of stockholders and Banking Board. With the approval of the Board, a state bank may liquidate and dissolve. The board shall grant such approval if it appears that the proposal to liquidate and dissolve has been approved by a vote of two-thirds (2/3) of the outstanding voting stock at a meeting called for that purpose, and that after giving effect to any proposed purchase of the assets of the bank and assumption of its liabilities as provided for in Section 1109 of this title the state bank will be solvent and will have sufficient liquid assets to pay off any remaining depositors and creditors immediately.

B. Cessation of business - Notice of liquidation - Safe deposit boxes - Distribution. (1) Upon approval by the Board, the bank shall forthwith cease to do business, shall have only the powers necessary to effect an orderly liquidation and shall proceed to pay its remaining depositors and creditors and to wind up its affairs.

(2) Within thirty (30) days of the approval, the state bank shall send a notice of liquidation by mail to each depositor, creditor, person interested in funds held as a fiduciary, lessee of a safe deposit box and bailor of property at the address of such person as shown on the books of the bank; provided, however, in the case of all depositors, creditors, loan customers or lessees of safe deposit boxes whose deposits, accounts or other contractual arrangements with the state bank have been purchased or assumed as provided for in Section 1109 of this title, a notice of purchase and

assumption shall be sent by the purchasing and assuming bank in lieu of a notice of liquidation by the liquidating state bank. The notice prepared by the state bank shall also be posted conspicuously on the premises of the bank and shall be given such publication as the Commissioner may require. The purchasing and assuming bank or the liquidating bank, as applicable, shall send with each notice a statement of the amount shown on the books to be the claim or liability of the depositor, creditor or other customer. Each such notice shall demand that claims of depositors and creditors, or corrected statements of amounts owed by the customer, if the amount claimed or owed differs from that stated in the notice, be filed with the notifying bank before a specified date not earlier than sixty (60) days thereafter in accordance with the procedure prescribed in the notice. The notice prepared by the liquidating bank shall also demand that property held by the bank as bailee or in a safe deposit box not taken over by a purchasing and assuming bank be withdrawn by the person entitled thereto.

(3) As soon after approval as may be practicable the state bank shall resign all fiduciary positions and take such action as may be necessary to settle its fiduciary accounts, and the manner of succession of trust powers and successor trustees shall follow the same procedure as set out in Section 1018 of this Code.

(4) Any safe deposit boxes which have not been taken over by a purchasing and assuming bank, and the contents of which have not been removed within thirty (30) days after demand, shall be opened. Sealed packages containing the contents of such box, with a certificate of inventory of contents, together with any other unclaimed property held by the bank as bailee and certified inventories thereof, shall be transferred to the Commissioner, who shall ~~retain them for five (5) years unless sooner claimed by the person entitled to them. After five (5) years the Commissioner shall sell or otherwise appropriately dispose of the property. The~~

~~proceeds of any sale shall be transferred to the treasurer of the county in which the bank is located and held by such treasurer as provided in subsection C of this section~~ administer them in accordance with the provisions of the Uniform Unclaimed Property Act (1981).

(5) The approval of an application for liquidation shall not impair the right of a depositor or creditor whose account has not been unconditionally assumed by a purchasing and assuming bank to be paid in full by the liquidating bank, and all lawful claims of remaining creditors and depositors of the liquidating bank shall promptly be paid. The unearned portion of the rental of a safe deposit box not taken over by a purchasing and assuming bank shall be returned to the lessee.

(6) Any assets remaining after the discharge of or adequate provision for all obligations shall be distributed to the stockholders in accordance with their respective interests. No such distribution shall be made before all claims of depositors and creditors have been:

- (a) assumed as provided for in Section 1109 of this title;
- (b) provided for by the establishment of a reserve fund in an amount approved by the Commissioner;
- (c) paid by the liquidating bank; or
- (d) in the case of any disputed claim, provided for by transmittal to the Commissioner of a sum adequate to meet any liability that may be judicially determined.

C. Unclaimed funds. Any unclaimed distribution to a stockholder or depositor shall be held until ninety (90) days after the final distribution and then transmitted to the Commissioner. ~~Such unclaimed funds shall be held by the Commissioner for five (5) years and, unless sooner claimed by the person entitled thereto, shall be transferred to the treasury of the county in which the bank is located. The county treasurer and his successors shall hold such~~

~~money in trust for a period of five (5) years, unless the same shall be sooner paid out to the beneficial owner or owners thereof, or a suit be instituted to recover such money or a portion thereof. Any money remaining in said fund five (5) years after the same is paid into the treasury of the county, for the recovery of which no action is pending, shall be transferred to the general fund of the county and all rights of the former beneficial owners therein to recover the same shall be forever barred~~ who shall administer them in accordance with the provisions of the Uniform Unclaimed Property Act (1981).

D. Possession and liquidation by Commissioner. If the Commissioner finds that assets will be insufficient for the full discharge of all obligations or that completion of the liquidation has been unduly delayed, he may take possession and complete the liquidation in the manner provided in this Code for involuntary liquidations.

E. Cancellation. The Commissioner may require reports of the progress of liquidation. Whenever he is satisfied that the liquidation has been properly completed he shall enter an order of dissolution and recommend to the Secretary of State the bank's certificate of incorporation be canceled, upon receipt of which the Secretary of State shall cancel such certificate.

SECTION 46. AMENDATORY 6 O.S. 1981, Section 1204, as last amended by Section 6, Chapter 293, O.S.L. 1989 (6 O.S. Supp. 1990, Section 1204), is amended to read as follows:

Section 1204. A. Sale of assets - Compromise and payment of claims. In liquidating a state bank the Commissioner may exercise any power thereof but he shall not, without the approval of the court in which notice of possession has been filed:

(1) Sell any asset of the bank having a value in excess of Five Hundred Dollars (\$500.00) or such larger sum as may be determined by the court not exceeding One Hundred Thousand Dollars (\$100,000.00);

(2) Compromise or release any claim if the amount of the claim exceeds Five Hundred Dollars (\$500.00), exclusive of interest or such larger sum as may be determined by the court not exceeding One Hundred Thousand Dollars (\$100,000.00); and

(3) Make any payment on any claim, other than a claim upon an obligation incurred by the Commissioner, before preparing and filing a schedule of his determinations in accordance with this title.

B. Lease of lands for oil and gas - Royalty - Manner of making lease - Dispensing with notice. The Commissioner is hereby authorized and empowered to lease for oil and/or gas purposes any land vested in the Commissioner as assets of insolvent state banks.

In making or executing any such lease the Commissioner shall retain and reserve a royalty of not less than one-eighth of the oil and/or gas produced from said land. Said lease shall be made in the same manner as now provided for the sale of other assets of state banks in the possession of the Commissioner.

C. Termination of bank's executory contracts. Within six (6) months of the commencement of liquidation, the Commissioner may by his election terminate any executory contract, including but not limited to contracts for services or advertising, to which the state bank is a party or any obligation of the bank as a lessee. A lessor who receives at least sixty (60) days' notice of the Commissioner's election to terminate the lease shall have no claim for rent other than rent accrued to the date of termination nor for damages for such termination, except on building or bank premises the lessor may receive damages not to exceed one (1) year's rent as provided in such lease.

D. Termination of banks' fiduciary positions. As soon after the commencement of liquidation as is practicable, the Commissioner shall take the necessary steps to terminate all fiduciary positions held by the state bank and take such action as may be necessary to surrender all property held by the bank as a fiduciary and to settle

its fiduciary accounts. Such fiduciary accounts may be transferred to another qualified corporate fiduciary in the same community by the Commissioner without assent of the parties, and notice of such transfer must be given by registered mail to the parties, and the manner of succession of trust powers and successor trustees shall follow the same procedure as set out in Section 1018 of this title.

E. Subrogation of insuring agency of United States. The right of any agency of the United States insuring deposits to be subrogated to the rights of depositors upon payment of their claims shall not be less extensive than the law of the United States requires as a condition of the authority to issue such insurance or make such payments to depositors of national banks.

F. Notice to depositors, creditors and safe deposit box lessees. Immediately on taking charge and within ten (10) days after taking possession, the Commissioner shall send notice of the liquidation to each known depositor, creditor and lessee of a safe deposit box and bailor of property held by the bank at the address shown on the books of the institution. The notice shall also be published in a newspaper of general circulation in the county in which the institution is located once a week for three (3) successive weeks. The Commissioner shall send with each notice a statement of the amount shown on the books of the institution to be the claim of the depositor or creditor, with all setoffs and any amounts due to the bank. The notice shall demand that property held by the bank as bailee or in a safe deposit box be withdrawn by the person entitled thereto; and the claim of a depositor or creditor, if the amount claimed differs from that stated in the notice to be due, be filed with the Commissioner within sixty (60) days from the date of the first publication of the notice of the taking of possession given by the Commissioner, in accordance with the procedure prescribed in the notice. The failure of any depositor, creditor or claimant to receive a notice, or observe the published

notice of the taking of possession by the Commissioner, shall not relieve such claimant of the obligation to file a claim, if the amount thereof differs from the amount found by the Commissioner. If no claim is filed by the claimant in the time specified, then the determination of the Commissioner shall be final and shall constitute the claim of that claimant.

G. Disposition of contents of unclaimed safe deposit boxes. Safe deposit boxes, the contents of which have not been removed before the date specified, shall be opened by the Commissioner. Sealed packages containing the contents of such box, with a certificate of inventory of contents, together with any unclaimed property held by the bank as bailee and certified inventories thereof, shall be held by the Commissioner ~~for five (5) years unless sooner claimed by the person entitled thereto. After five (5) years the Commissioner may sell or otherwise appropriately dispose of the property. The proceeds of a sale shall be transferred and disposed of in accordance with the provisions of subsection L of this section and administered in accordance with the provisions of the Uniform Unclaimed Property Act (1981).~~

H. Determination of claims - Time therefor - Notification. The Commissioner shall:

(1) As soon as practical and within one hundred twenty (120) days from date of first publication of the notice of taking possession, determine the amount, if any, owing to each known creditor or depositor and the priority class of his claim under this title, and file such determination in the court in which notice of possession was filed;

(2) As soon as practical and within sixty (60) days from the date of filing, reject any claim if he doubts the validity thereof; and

(3) Notify each person whose claim has not been allowed in full, by mailing to his last-known address, as shown on the records

of the bank, a notice of the time when and the place where the schedule of determinations will be available for inspection and the date when the Commissioner will file his schedule in court.

I. Disposition of contested claims. Within twenty (20) days after the filing of the Commissioner's schedule, any creditor, depositor or stockholder may file an objection to any determination made which adversely affects such objector. Any objections so filed shall be heard and determined by the court. The objection shall be, by the clerk of such district court, entered upon the docket of said court under the same number as other proceedings in connection with the liquidation of the insolvent bank. The Commissioner and interested claimants as the court determines shall be notified of such objection upon a ten-day notice and the matter shall be tried de novo. No person having a claim against an insolvent bank shall maintain action thereon except as herein provided.

J. Partial distribution of allowed claims. After filing his schedule the Commissioner shall, after establishing proper reserves for the payment of costs, expenses of liquidation and disputed claims, pay to any agency of the United States insuring deposits in the insolvent bank such sum as may be then available but not exceeding the amount paid out by such agency as such an insurer of deposits and accounts. The Commissioner may, from time to time, also make partial distribution to the holders of claims which are undisputed or have been allowed by the court, in the order of their priority as herein provided. The court supervising the liquidation shall direct, as soon as practicable after the establishment of an adequate and proper reserve for payment of disputed claims, costs and expenses of liquidation, that the Commissioner make a substantial partial pro rata distribution as will not interfere with orderly liquidation, to the holders of undisputed claims and those allowed by the court in the order of their priority, to the extent that there remains only the determination and settlement of disputed

claims and the procedures of the final accounting and final distribution to be made by the Commissioner as herein provided.

K. Priority of claims - Payment - Cancellation - Claims when barred.

(1) The following claims shall have priority in the order herein specified:

- (a) obligations incurred by the Commissioner, fees and assessments due to the Department, and all expenses of liquidation, all of which may be covered by a proper reserve of funds,
- (b) the depositors having an approved claim against the general liquidating account of the bank,
- (c) the general creditors having an approved claim against the general liquidating account of the bank,
- (d) the claims otherwise proper which were not filed within the time prescribed herein, and
- (e) the stockholders of the bank;

(2) No claim shall be entitled to interest thereon if it be paid within six (6) months after the first publication of notice of the taking of possession by the Commissioners; if paid after such period, then the unpaid balance of the claim shall be credited with interest at the rate of six percent (6%) per annum from the expiration of the said six (6) months until paid or finally canceled by exhaustion of all assets;

(3) All distributions declared in accordance herewith, which shall not be claimed within one (1) year, shall be canceled upon the order of the district court having jurisdiction of the liquidation of such insolvent bank, and the proceeds thereof returned to the general liquidating account of such insolvent bank. Provided, that notice of the application of the Commissioner to the district court for permission to cancel such unclaimed distributions shall be given by publication for two (2) successive weeks in a newspaper of

general circulation in the county where the insolvent bank is located. The notice shall describe the unclaimed distributions sought to be canceled, giving the name and location of the insolvent bank, the name of the payee and the amount and shall recite the Commissioner has filed an application in the designated district court for cancellation of such distributions and shall refer to the application for further particulars; and

(4) Any assets remaining after all partial distributions, after all claims have been paid, or ample provisions for reserves are made for payment thereof by the court, shall be distributed to the stockholders in accordance with their respective interests.

L. Disposition of unclaimed funds other than distributions.

Unclaimed funds, other than unclaimed distributions, remaining after completion of the liquidation shall be retained by the Commissioner ~~one (1) year, unless sooner claimed by the owner. At the expiration of such period the remaining sum shall be transferred to the treasury of the county in which the bank is located. The county treasurer and his successor shall hold such money in trust for a period of five (5) years, unless the same shall be sooner paid out to the beneficial owner or owners thereof, or a suit be instituted to recover such money or a portion thereof. Any money remaining in said fund five (5) years after the same is paid into the treasury of the county, for the recovery of which no action is pending, shall be transferred to the general fund of the county and all rights of the former beneficial owners therein to recover same shall be forever~~ barred who shall administer them in accordance with the Uniform Unclaimed Property Act (1981).

M. Quarterly reports - Final account - Release of Commissioner - Cancellation of charter.

(1) During the liquidation procedure the Commissioner and his agents and employees shall make a verified quarterly account, giving in detail a statement of all receipts and disbursements made from

the assets in their possession. A copy of the quarterly report shall be filed with the court of the county and a hearing held thereon. Interested parties and the Board of Directors of the insolvent bank shall be given such notice as the court directs of the hearing and shall make such objections as they shall desire to the account; however, the failure to object at a quarterly hearing shall not prejudice the right of any claimant or interested party to object to items of expense and proceedings in the liquidation upon the final account;

(2) When the assets have been distributed in accordance with this title, except unclaimed funds and content of safe deposit boxes held by the Commissioner, the Commissioner shall file a final account with the court. Notice of hearing upon the final account shall be given of not less than ten (10) days nor more than thirty (30) days, by registered or certified mail, to all interested persons and to the board of directors of the insolvent bank and the notice shall be published for two (2) successive weeks in some newspaper of general circulation published in the county, showing the nature of the hearing, the date and time of the hearing and that such account is for final settlement of liquidating account of such insolvent bank;

(3) The final account shall reflect all the acts of the Commissioner as supported by quarterly reports and such necessary items to support the account, including distribution of such remaining cash to the stockholders in accordance with their interests and all other assets to the board of directors of the bank as liquidating agents for the stockholders under the Oklahoma General Corporation Act;

(4) The court shall hear all matters touching upon the final account, allow, reduce or reject any item of expense, and determine all matters before it. Any person aggrieved by the judgment of the court may appeal as in any other civil action; and

(5) Upon approval of the final account as settled by the court, the Commissioner shall be relieved of liability in connection with the liquidation and shall cancel the charter upon the record of the department.

SECTION 47. AMENDATORY 6 O.S. 1981, Section 1310, is amended to read as follows:

Section 1310. The lessor shall have a lien upon the contents of the lessee's box for past due rentals and any expense incurred in opening of the box and replacement of locks thereon where the same is done without fault of the lessor. If the lessee fails to pay the rental due and such default continues for ninety (90) days, the lessor may give the lessee thirty (30) days' notice by registered mail addressed to the lessee at the address shown on the lessor's records or the last-known address of the lessee, stating the amount due and that on or after the day designated in said notice it may open said box, remove the contents thereof and hold the same for the account of the lessee. The opening of said box shall be witnessed by not less than two persons, one of which shall be an officer of the lessor, who shall make an inventory under oath of the contents thereof, and thereupon said contents shall be placed in a package and held by the lessor as a bailee for hire. If the lessee makes no demand for said contents within two (2) years after the same have been removed from the box, the lessor may advertise and sell the same, said sale to be made at the time and place designated in the notice which shall be published in one issue of a newspaper having a general circulation in the city or town wherein the business of the lessor is situated, said publication to be not less than ten (10) days prior to the date fixed for said sale. A copy of the notice shall be mailed to the lessee at his last-known address by registered mail. The notice shall show the name of the lessee but it shall not be necessary to describe the articles to be sold, except those that have an intrinsic value, if there shall be posted,

not less than ten (10) days prior to the sale, in or about the lessor, in a conspicuous place, a copy of the notice of sale and a copy of the inventory made upon opening of the box. The contents of any number of boxes may be sold under one notice of sale and the cost thereof apportioned ratably to the several lessees involved. At the time and place designated in said notice the contents taken from each respective box shall be sold separately to the highest bidder for cash and the proceeds of each sale shall be applied to the rentals and expenses due the lessor and the residue from any sale held by the lessor for the account of the lessee. At any such sale the lessor may be the purchaser. If any lessee, his and/or her heirs, administrator or executor, shall not make demand upon the lessor within five (5) years after the date of said sale, for such surplus, then the ~~lessor shall, within five (5) years thereafter, give notice by publication in one issue of a newspaper having a general circulation in the city or town where the lessor's business is conducted, stating the name of the lessee, the amount credited to his account and that unless he makes demand therefor within thirty (30) days after the date of such publication said funds will be delivered to the Treasurer of the State of Oklahoma. A copy of the notice shall be mailed to the lessee at his last known address by registered mail. Any and all such funds delivered to the State Treasurer under the provisions of this section shall be credited to the General Revenue Fund. If it should come to the attention or knowledge of any lessor, its officers or agents, of the death of a lessee, it shall be the duty of such lessor to use due diligence in making inquiry as to the next of kin of the deceased lessee, and notify such relatives of the existence of a safe deposit box, if they are located. The lessor shall not be held liable for failure to locate such relatives, and neither shall the lessor be obligated to disclose the contents of the box except as provided in this article or by order of a court~~ surplus shall be presumed abandoned

and administered in accordance with the Uniform Unclaimed Property Act (1981).

SECTION 48. AMENDATORY 17 O.S. 1981, Section 125, is amended to read as follows:

Section 125. All refunds not paid out by the commission, or unclaimed, ~~within two (2) years from the time the money is received by the Commission shall be turned over to the State Treasurer~~ shall be administered in accordance with the Uniform Unclaimed Property Act (1981).

SECTION 49. AMENDATORY 18 O.S. 1981, Section 381.62, as amended by Section 31, Chapter 65, O.S.L. 1988 (18 O.S. Supp. 1990, Section 381.62), is amended to read as follows:

Section 381.62 A. With the approval of the Board, an association may liquidate and dissolve. The Board shall grant such approval if it appears that the proposal to liquidate and dissolve has been approved by a vote of a majority of the outstanding voting stock, in the case of a stock association, or by a majority vote of the total number of votes of the members present in person or by proxy, in the case of a mutual association, at a meeting called for that purpose, and that after giving effect to any proposed purchase of the assets of the association and assumption of its liabilities as provided for in Section 32 of this act the association will be solvent and will have sufficient liquid assets to pay off any remaining depositors and creditors immediately.

B. 1. Upon approval by the Board, the association shall immediately cease to do business, shall have only the powers necessary to effect an orderly liquidation and shall proceed to pay its depositors and creditors and to wind up its affairs.

2. Within thirty (30) days of the approval, the association shall send a notice of liquidation by mail to each depositor, creditor, person interested in funds held as a fiduciary, lessee of a safe deposit box and a bailor of property at the address of such

person as shown on the books of the association; provided, however, in the case of all depositors, creditors, loan customers or lessees of safe deposit boxes whose deposits, accounts or other contractual arrangements with the association have been purchased or assumed as provided for in Section 32 of this act, a notice of purchase and assumption shall be sent by the purchasing and assuming association in lieu of a notice of liquidation by the liquidating association. The notice prepared by the association shall be posted conspicuously on the premises of the association and shall be given such publication as the Commissioner may require. The purchasing and assuming association or the liquidating association, as applicable, shall send with each notice a statement of the amount shown on the books to be the claim or liability of the depositor, creditor or other customer. Each such notice shall demand that claims of depositors and creditors, or corrected statements of amounts owed by the customer, if the amount claimed or owed differs from that stated in the notice, be filed with the notifying association before a specified date not earlier than sixty (60) days thereafter in accordance with the procedure prescribed in the notice. The notice prepared by the liquidating association shall also demand that property held by the association as bailee or in a safe deposit box not taken over by a purchasing and assuming association be withdrawn by the person entitled thereto.

3. As soon after approval as may be practicable the association shall resign all fiduciary positions and take such action as may be necessary to settle its fiduciary accounts, and the manner of succession of trust powers and successor trustees shall follow the same procedure as set out in Section 1018 of Title 6 of the Oklahoma Statutes.

4. Any safe deposit boxes which have not been taken over by a purchasing and assuming association, and the contents of which have not been removed within thirty (30) days after demand, shall be

opened. Sealed packages containing the contents of such box, with a certificate of inventory of contents, together with any other unclaimed property held by the association as bailee and certified inventories thereof, shall be transferred to the Commissioner who shall ~~retain them for five (5) years unless sooner claimed by the person entitled to them. After five (5) years the Commissioner shall sell or otherwise appropriately dispose of the property. The proceeds of any sale shall be transferred to the treasurer of the county in which the association's principal office is located and held by such treasurer as provided in subsection C of this section~~ administer the property in accordance with the provisions of the Uniform Unclaimed Property Act (1981).

5. The approval of an application for liquidation shall not impair the right of a depositor or creditor whose account has not been unconditionally assumed by a purchasing and assuming association to be paid in full by the liquidating association, and all lawful claims of remaining creditors and depositors of the liquidating association shall promptly be paid. The unearned portion of the rental of a safe deposit box not taken over by a purchasing and assuming association shall be returned to the lessee.

6. Any assets remaining after the discharge of or adequate provision for all obligations shall be distributed to the stockholders or members in accordance with a plan of voluntary liquidation filed with and approved by the Board. No such distribution shall be made before all claims of depositors and creditors have been:

- a. assumed as provided for in Section 32 of this act; or
- b. provided for by the establishment of a reserve fund in an amount approved by the Commissioner; or
- c. paid by the liquidating association; or

d. in the case of any disputed claim, provided for by transmittal to the Commissioner of a sum adequate to meet any liability that may be judicially determined.

C. Any unclaimed distribution to a stockholder, member or depositor shall be held until ninety (90) days after the final distribution and then transmitted to the Commissioner. Such unclaimed funds shall be held by the Commissioner ~~for five (5) years and, unless sooner claimed by the person entitled thereto, shall be transferred to the treasury of the county in which the association's principal office is located. The county treasurer and his successors shall hold such money in trust for a period of five (5) years, unless the same shall be sooner paid out to the beneficial owner or owners thereof, or a suit be instituted to recover such money or a portion thereof. Any money remaining in said fund five (5) years after the same is paid into the treasury of the county, for the recovery of which no action is pending, shall be transferred to the general fund of the county and all rights of the former beneficial owners therein to recover the same shall be forever barred and administered in accordance with the provisions of the~~ Uniform Unclaimed Property Act (1981).

D. If the Commissioner finds that assets will be insufficient for the full discharge of all obligations or that completion of the liquidation has been unduly delayed, he may take possession and complete the liquidation in the manner provided in this act for involuntary liquidations.

E. The Commissioner may require reports of the progress of liquidation. Whenever he is satisfied that the liquidation has been properly completed he shall enter an order of dissolution and recommend to the Secretary of State that the association's certificate of incorporation be canceled, upon receipt of which the Secretary of State shall cancel such certificate.

SECTION 50. AMENDATORY Section 23, Chapter 61, O.S.L. 1987 (18 O.S. Supp. 1990, Section 381.76), is amended to read as follows:

Section 381.76 A. Liquidation by Commissioner; Procedure; Sale of Assets; Compromise and Payment of Claims. In liquidating an association, the Commissioner may exercise any power of such association, but shall not, without the approval of the district court where notice of possession was filed:

1. sell any asset of the association having a value in excess of Five Hundred Dollars (\$500.00); or
2. compromise or release any claim exceeding Five Hundred Dollars (\$500.00), exclusive of interest; or
3. make any payment on any claim, other than a claim upon an obligation incurred by the Commissioner, before preparing and filing a schedule of determinations in accordance with subsection H of this section.

B. Lease of Lands for Oil and Gas; Royalty; Manner of Making Lease; Dispensing With Notice. 1. The Commissioner may lease for oil and/or gas purposes any land vested in the Commissioner as assets of an insolvent association.

2. In making or executing any such lease the Commissioner shall retain and reserve a royalty of not less than one-eighth (1/8) of the oil and/or gas produced from said land. Said lease shall be made in the same manner as provided for by law for the sale of other assets of state-chartered associations in the possession of the Commissioner.

C. Termination of Association's Executory Contracts. Within six (6) months after the commencement of liquidation proceedings, the Commissioner may terminate any executory contract, including but not limited to contracts for services or advertising, to which the association is a party or any obligation of the association as a lessee. A lessor who receives at least sixty (60) days' notice of

the Commissioner's decision to terminate the lease shall not be entitled to a claim for rent other than rent accrued to the date of termination nor for damages for such termination, except that on building or association premises the lessor may receive damages not exceeding one (1) year's rent as provided in such lease.

D. Termination of Association's Fiduciary Positions. As soon after the commencement of liquidation as is practicable, the Commissioner shall take the necessary steps to terminate all fiduciary positions held by the state association and take such action as may be necessary to surrender all property held by the association as a fiduciary and to settle its fiduciary accounts. The Commissioner may transfer such fiduciary accounts to another qualified corporate fiduciary in the same community without assent of the parties. Notice of such transfer shall be given by registered mail to the parties, and the manner of succession of trust powers and successor trustees shall be in accordance with the procedure provided in Section 1018 of Title 6 of the Oklahoma Statutes.

E. Subrogation of Insuring Agency of United States. The right of any agency of the United States insuring deposits to be subrogated to the rights of depositors upon payment of their claims shall not be less extensive than what the law of the United States requires as a condition of the authority to issue such insurance or make such payments to depositors of federal associations.

F. Notice to Depositors, Creditors and Safe Deposit Box Lessees. Within ten (10) days after taking possession, the Commissioner shall send notice of the liquidation to each known depositor, creditor, lessee of a safe deposit box, and bailor of property held by the association, at the address shown on the books of the association. The notice shall also be published in a newspaper of general circulation in the county in which the home office of the association is located once a week for three (3)

successive weeks. The Commissioner shall send with each notice a statement of the amount shown on the books of the association to be the claim of the depositor or creditor, with all setoffs and any amounts due to the association. The notice shall demand that property held by the association as bailee or in a safe deposit box be withdrawn by the person entitled thereto and, if the amount claimed differs from that stated in the statement to be due, that the depositor or creditor file a claim with the Commissioner within sixty (60) days from the date of the first publication of the notice of the liquidation given by the Commissioner, in accordance with the procedure prescribed in the notice. The failure of any depositor, creditor or claimant to receive a notice, or observe the published notice of the liquidation by the Commissioner, shall not relieve such claimant of the obligation to file a claim, if the amount thereof differs from the amount found by the Commissioner. If no claim is filed by the claimant within the time specified, then the determination of the Commissioner shall be final and shall constitute the claim of that claimant.

G. Disposition of Contents of Unclaimed Safe Deposit Boxes. Safe deposit boxes, the contents of which have not been removed within sixty (60) days from the date of first publication of the notice of liquidation, shall be opened by the Commissioner. Sealed packages containing the contents of such box, with a certificate of inventory of contents, together with any unclaimed property held by the association as bailee and certified inventories thereof, shall be held by the Commissioner ~~for five (5) years unless sooner claimed by the person entitled thereto. After five (5) years the Commissioner may sell or otherwise appropriately dispose of the property as directed by the district court. The proceeds of a sale shall be transferred and disposed of in accordance with the provisions of subsection L of this section~~ and administered in

accordance with the provisions of the Uniform Unclaimed Property Act (1981).

H. Determination of Claims; Time Therefor; Notification. The Commissioner shall:

1. Notify each person whose claim has not been allowed in full, by mailing to his last-known address, as shown on the records of the association, a notice of the time when and the place where the schedule of determinations will be available for inspection and the date when the Commissioner shall file the schedule in court;

2. As soon as practical and within one hundred twenty (120) days from the date of first publication of the notice of liquidation, determine the amount, if any, owing to each known creditor or depositor and the priority class of his claim under subsection K of this section, and file such determination in the district court where notice of possession was filed; and

3. As soon as practical and within sixty (60) days from the date of filing, reject any claim if he doubts the validity thereof.

I. Disposition of Contested Claims. Within twenty (20) days after the filing of the schedule of determinations, any creditor, depositor or stockholder may file an objection to any determination which adversely affects such creditor, depositor or stockholder. Objections so filed shall be heard and determined by the court. The clerk of such district court, shall enter the objection upon the court docket under the case number assigned to the liquidation proceedings. The Commissioner and interested claimants as the court determines shall be notified of such objection not less than ten (10) days prior to the hearing on such objection. The matter shall be tried de novo. No person having a claim against an insolvent association shall maintain action thereon except as herein provided.

J. Partial Distribution of Allowed Claims. After filing the schedule of determinations and establishing proper reserves for the payment of costs, expenses of liquidation and disputed claims, the

Commissioner shall pay to any agency of the United States insuring deposits in the insolvent association such sum as may be then available but not exceeding the amount paid out by such agency as such an insurer of deposits and accounts. The Commissioner from time to time may also make partial distribution to the holders of claims which are undisputed or which have been allowed by the district court, in the order of their priority as provided in subsection K of this section. The district court supervising the liquidation, as soon as practicable after the establishment of an adequate and proper reserve for payment of disputed claims, costs and expenses of liquidation, shall direct the Commissioner to make a substantial partial pro rata distribution that will not interfere with orderly liquidation, to the holders of undisputed claims and those allowed by the court in the order of their priority, to the extent that there remains only the determination and settlement of disputed claims and the procedures of the final accounting and final distribution to be made by the Commissioner as provided in this section.

K. Priority of Claims; Payment; Cancellation; Claims When Barred. 1. The following claims shall have priority in the order specified:

- a. obligations incurred by the Commissioner, fees and assessments due to the State Banking Department, and all expenses of liquidation, all of which may be covered by a proper reserve of funds,
- b. approved claims of depositors against the general liquidating account of the association,
- c. approved claims of general creditors against the general liquidating account of the association,
- d. claims otherwise proper which were not filed within the time prescribed by subsection F of this section, and

e. claims of stockholders of the association.

2. No claim shall be entitled to interest thereon if it is paid within six (6) months after the first publication of notice of the liquidation by the Commissioner. If the claim is paid after such period, then the unpaid balance of the claim shall be credited with interest at the rate of six percent (6%) per annum for the expiration of the six (6) months until paid or finally canceled by exhaustion of all assets.

3. All distribution declared in accordance with subsection J of this section, which shall not be claimed within one (1) year, shall be canceled upon the order of the district court having jurisdiction of the liquidation of such insolvent association, and the proceeds thereof returned to the general liquidating account of the insolvent association. Provided, that notice of the application of the Commissioner to the district court for permission to cancel such unclaimed distributions shall be given by publication for two (2) successive weeks in a newspaper of general circulation in the county where the home office of the insolvent association is located. The notice shall describe the unclaimed distributions sought to be canceled, giving the name and location of the insolvent association, the name of the payee and the amount and shall recite the Commissioner has filed an application in the designated district court for cancellation of such distributions and shall refer to the application for further particulars; and

4. Any assets remaining after all partial distributions, after all claims have been paid, or ample provisions for reserves are made for payment thereof by the court, shall be distributed to the stockholders in accordance with their respective interests.

L. Disposition of Unclaimed Funds Other Than Distributions. Unclaimed funds, other than unclaimed distributions, remaining after completion of the liquidation shall be retained by the Commissioner ~~one (1) year, unless sooner claimed by the owner. At the expiration~~

~~of such period the remaining sum shall be transferred to the treasury of the county in which the association is located. The county treasurer and his successor shall hold such money in trust for a period of five (5) years, unless the same shall be sooner paid out to the beneficial owner or owners thereof, or a suit instituted to recover such money or a portion thereof. Any money remaining in said fund five (5) years after the same is paid into the treasury of the county, for the recovery of which no action is pending, shall be transferred to the general fund of the county and all rights of the former beneficial owners therein to recover same shall be forever barred and administered in accordance with the Uniform Unclaimed Property Act (1981).~~

M. Monthly Reports; Quarterly Reports; Final Account; Release of Commissioner; Cancellation of Charter. 1. During the liquidation procedure the Commissioner and his agents and employees shall prepare a verified monthly account that details all receipts and disbursements made from assets in the Commissioner's possession. A copy of the monthly report shall be filed with the district court of the county where the notice of taking possession was filed. No hearing shall be held on such monthly report. Every three (3) months the Commissioner shall file a composite of three (3) monthly reports and a hearing shall be held thereon. The first quarterly report shall be filed three (3) months after the filing of the liquidation proceedings. Interested parties and the board of directors of the insolvent association shall be given such notice of the hearing as the court directs and shall make such objections as they shall desire to the account. The failure to object at a quarterly hearing shall not prejudice the right of any claimant or interested party to object to items of expense and proceedings in the liquidation upon the final account.

2. When the assets have been distributed in accordance with this section, except unclaimed funds and contents of safe deposit

boxes held by the Commissioner, the Commissioner shall file a final account with the court. Notice of hearing upon the final account shall be given, of not less than ten (10) days nor more than thirty (30) days prior to the date of the hearing, by registered or certified mail, to all interested persons and to the board of directors of the insolvent association and the notice shall be published for two (2) successive weeks in some newspaper of general circulation published in the county where the home office of the association is located, showing the nature of the hearing, the date and time of the hearing and that such account is for final settlement of the liquidating account of such insolvent association.

3. The final account shall reflect all the acts of the Commissioner as supported by monthly reports, quarterly reports and such necessary items to support the account, including distribution of such remaining cash to the stockholders in accordance with their interests and all other assets to the board of directors of the association as liquidating agents for the stockholders under the Oklahoma General Corporation Act.

4. The court shall hear all matters relating to the final account; allow, reduce or reject any item of expense; and determine all matters before it. Any person aggrieved by the judgment of the court may appeal as in any other civil action.

5. Upon approval of the final account by the court, the Commissioner shall be relieved of liability in connection with the liquidation and shall cancel the charter upon the records of the State Banking Department.

SECTION 51. AMENDATORY 47 O.S. 1981, Section 116.14, is amended to read as follows:

Section 116.14 In the event any vehicle is found with no registration, not properly registered for the load carried, or improperly registered in any manner under the provisions of this act or any provisions of the motor vehicle license and registration laws

of this state, said revenue enforcement officers shall be authorized to seize and take such vehicle into custody until such time as such vehicle is properly registered and the license fee thereon is paid in full together with any penalty provided by law plus the cost of seizure, including the reasonable cost of taking such vehicle into custody and storing it. Any load on such vehicle shall be disposed of by the owner or operator of such vehicle. In the event such license fee and penalty together with the cost of seizure and storage is not paid, said revenue enforcement officer shall proceed to sell such vehicle by posting not less than five notices of sale in five different public places in the county where such property is located; one of such notices to be posted at the place where the vehicle is stored; provided further, that a copy of such notice shall also be sent by registered mail, return receipt requested, to the last-known address of the registered owner of such vehicle in question. Such vehicle shall be sold at such sale subject to the following terms and conditions:

(1) In the event the sale price is equal to, or greater than, the total cost of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate and registration certificate.

(2) In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, such vehicle shall be sold as junk to the highest bidder, whereupon he shall receive a certificate of purchase; and if such vehicle be dismantled, the record to such junked vehicle shall be canceled. If not dismantled, the same shall forthwith be registered anew.

(3) Any residue remaining unclaimed by the delinquent owner shall be ~~deposited in the State Treasury as miscellaneous collections, and if no claim is made for such residue, within twelve (12) months from the date of sale of such vehicle, the same shall~~

~~escheat to the State of Oklahoma~~ administered in accordance with the Uniform Unclaimed Property Act (1981).

SECTION 52. AMENDATORY Section 10, Chapter 144, O.S.L. 1986, as amended by Section 7, Chapter 6, O.S.L. 1987 (47 O.S. Supp. 1990, Section 1115.1), is amended to read as follows:

Section 1115.1 After ninety (90) days from the expiration date for annual registration of a vehicle, it shall be the duty of the Oklahoma Tax Commission, Department of Public Safety, county sheriffs, and all other duly authorized peace officers of this state to seize and take into custody every vehicle owned within this state not bearing or displaying a proper license plate required by the Oklahoma Vehicle License and Registration Act. The vehicle shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, and the cost of seizure, including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, the Oklahoma Tax Commission or its motor license agents shall proceed to sell the vehicle by posting not less than five notices of sale in five different public places in the county where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored; provided further, that a copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of such vehicle in question. Such vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total costs of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate,

manufactured home registration receipt and decal and registration certificate;

2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, such vehicle shall be sold as junk to the highest bidder, whereupon he shall receive a certificate of purchase; and if such vehicle be dismantled, the record to such junked vehicle shall be canceled. If not dismantled, the same shall be immediately registered; or

3. Any residue remaining unclaimed by the delinquent owner shall be ~~deposited in the State Treasury as miscellaneous collections, and if no claim is made for such residue, within twelve (12) months from the date of sale of the vehicle, the same shall escheat to the state~~ administered in accordance with the Uniform Unclaimed Property Act (1981).

SECTION 53. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 659.1 of Title 60, unless there is created a duplication in numbering, reads as follows:

(a) All intangible property, including but not limited to any interest, dividend, or other earnings thereon, less any lawful charges, held by a business association, federal, state or local government or governmental subdivision, agency or entity, or any other person or entity, regardless of where the holder may be found, if the owner has not claimed or corresponded in writing concerning the property within three (3) years after the date prescribed for payment or delivery, is presumed abandoned and subject to the custody of this state as unclaimed property if:

- (1) the last-known address of the owner is unknown; and
- (2) the person or entity originating or issuing the intangible property in this state or any political subdivision of this state, or is incorporated, organized or created in this state.

(b) The provisions of subsection (a) of this section shall not apply to property which is or may be presumed abandoned and subject to the custody of this state pursuant to any other provision of law containing a dormancy period different from that prescribed in subsection (a) of this section.

(c) The provisions of subsection (a) of this section shall apply to all property held at the time of enactment, or at any time thereafter, regardless of when such property became or becomes presumptively abandoned.

SECTION 54. REPEALER 60 O.S. 1981, Sections 660, 673, as amended by Section 5, Chapter 107, O.S.L. 1984, 683, 684 and Section 1, Chapter 100, O.S.L. 1984, as amended by Section 1, Chapter 117, O.S.L. 1986 and Sections 2, 3, 4, 5, 6 and 7, Chapter 100, O.S.L. 1984 (60 O.S. Supp. 1990, Sections 658.2, 658.3, 658.4, 658.5, 658.6, 658.7, 658.8 and 673), are hereby repealed.

SECTION 55. This act shall become effective September 1, 1991.

Passed the House of Representatives the 11th day of March, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate