

An Act

ENROLLED HOUSE
BILL NO. 2161

By: Dobrinski of the House

and

Jech of the Senate

An Act relating to museum property; defining terms; allowing museums to acquire title to undocumented property in certain instances; providing procedures for acquiring title to undocumented property; authorizing museums to acquire title to loaned property in certain instances; providing procedures for acquiring title to loaned property; providing procedures for the reclamation of property in certain circumstances; providing list of obligations owed to lenders prior to obtaining title; directing lenders to provide notice of certain occurrences; allowing museums to apply conservation measures of property on loan to the museum in certain circumstances; providing procedures if a museum applies conservation measures; allowing museums to apply conservation measures for undocumented property in certain circumstances; providing procedures when applying conservation measures for undocumented property; providing for limitation of legal actions against museums and limiting liability for museums in certain circumstances; declaring loaned property which would escheat to the state upon owner's death shall become property of the museum; providing for codification; and providing an effective date.

SUBJECT: Museum property

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2001 of Title 60, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Lender" means a person whose name appears on the records of the museum as the person legally entitled to property held or on loan to the museum;

2. "Lender's last-known address" means a description of the physical or mailing address of the lender, as shown on the museum's records pertaining to the property on loan from the lender, which is sufficient for the purpose of delivering mail;

3. "Loan", "loaned", and "on loan" means all deposits of property with a museum which are not accompanied by a transfer of title to the property;

4. "Museum" means an organization which uses a professional staff or the equivalent, whether paid or unpaid, that is primarily engaged in the acquisition, care, and exhibition to the public of objects, interactive displays, or exhibits owned or used by the institution. Further, a museum is understood to possess a variety of the following characteristics:

- a. is organized on a permanent or regular basis for essentially educational or aesthetic purposes,
- b. owns or uses tangible objects, either animate or inanimate,
- c. cares for these objects,
- d. exhibits these objects to the general public on a regular basis at or in a facility which it owns or operates, and
- e. provides educational and cultural programming;

5. "Person" means an individual, association, trust partnership, corporation or similar organization having a legal interest in property in the possession of a museum;

6. "Property" means all tangible objects, animate and inanimate, under a museum's care which have intrinsic scientific, historic, artistic, or cultural value; and

7. "Undocumented property" means property in the possession of a museum for which the museum cannot determine the person with legal interest by referencing the museum's records.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2002 of Title 60, unless there is created a duplication in numbering, reads as follows:

A. A museum may acquire legal title to undocumented property held by a museum for seven (7) years or longer, verifiable through written records, with no valid claim or contact by any person in the following manner:

1. The museum shall publish a notice by publication in a newspaper of record in the county of the museum. This notice shall include:

- a. brief and general description of the property,
- b. the date or approximate date of the acquisition by the museum, if known,
- c. notice of the intent of the museum to claim title if no valid claims are made within ninety (90) days from the date of the first notice, and
- d. the name and address of the museum representative to contact for more information or to make a claim; and

2. If no valid claims have been made by the end of ninety (90) days, the museum shall publish a second notice. This second notice shall include:

- a. a brief and general description of the property,
- b. the date or approximate date of the acquisition by the museum, if known,
- c. notice that the museum claims title to the property as of the date described in subparagraph c of paragraph 1 of this subsection, and

- d. the name and address of the museum representative to contact for more information or to make a claim.

B. On compliance with subsection A of this section clear and unrestricted title is transferred to the museum as of the date described in subparagraph c of paragraph 1 of subsection A of this section.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2003 of Title 60, unless there is created a duplication in numbering, reads as follows:

A. A museum may acquire legal title to loaned property pursuant to this section. Upon the expiration date of the loan, the museum must attempt to notify the lender in writing in order to return the loan. If, since the expiration date of the loan, two (2) years have passed with no written contact between the lender and the museum or if the loan has no expiration date and at least two (2) years have passed since the loan was made and written contact between the lender and the museum occurred, the museum shall send a notice by certified mail, return receipt requested, to the lender's last-known address. This notice shall contain a statement that the loan is now terminated as well as all information required in the notice under paragraph 1 of subsection A of Section 2 of this act. Notice is deemed given if the museum receives proof of receipt within thirty (30) days after mailing the notice. If proof of delivery of the notice is not received within thirty (30) days from the date the notice was mailed, the museum shall publish a notice by publication in the newspaper of record in the county where the museum is located.

B. If the requirements of subsection A of this section are met, the museum may acquire title to the loaned property by sending a notice by certified mail, return receipt requested, to the lender's last-known address. This notice shall contain all information required in the notice under paragraph 2 of subsection A of Section 2 of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2004 of Title 60, unless there is created a duplication in numbering, reads as follows:

After title to the property is transferred to the museum, the person as defined in paragraph 5 of Section 1 of this act, has two

(2) years to bring an action against the museum to claim the property. At the end of this two-year period no action or proceeding may be brought against the museum, its employees, or agents by a lender for any good faith action taken by the museum pursuant to this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2005 of Title 60, unless there is created a duplication in numbering, reads as follows:

In order to take title pursuant to this act, a museum shall have the following obligations to a lender:

1. The museum must keep written records regarding the property for at least two (2) years from the date of taking title pursuant to this act;

2. The museum must keep written records on all loans acquired. Records shall contain the owner's name, address and phone number, the duration of the loan period and beginning date of the loan period, as well as an itemized list of property being loaned;

3. The museum is responsible for notifying a lender of the museum's change of address or dissolution;

4. The museum shall inform the lender, at the time the loan is made, of state laws governing unclaimed property; and

5. Upon expiration of the loan, the museum must attempt to contact the lender by phone, email, and letter to return the loan.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2006 of Title 60, unless there is created a duplication in numbering, reads as follows:

The lender shall notify the museum of a change of address or of a change in ownership of the loaned property in order to ensure the retention of rights to the loaned property.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2007 of Title 60, unless there is created a duplication in numbering, reads as follows:

A. Unless there is a written loan agreement to the contrary, a museum may apply conservation measures to or dispose of property on

loan to the museum without a lender's permission if immediate action is required to protect the property on loan or to protect other property in the custody of the museum, or the property on loan has become a hazard to the health and safety of the public or of the museum's staff, and:

1. The museum cannot reach the lender at the lender's last address of record so that the museum and the lender can promptly agree on a solution; or

2. The lender will not agree to the protective measures the museum recommends, yet is unwilling or unable to terminate the loan and retrieve the property.

B. If a museum applies conservation measures to or disposes of property under subsection A of this section, the museum:

1. Has a lien on the property and on the proceeds from any disposition of the property for the costs incurred by the museum; and

2. Is not liable for injury to or loss of the property if the museum:

a. had a reasonable belief at the time the action was taken that the action was necessary to protect the property on loan or other property in the custody of the museum, or that the property on loan constituted a hazard to the health and safety of the public or the museum's staff, and

b. exercised reasonable care in the choice and application of the conservation measures.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2008 of Title 60, unless there is created a duplication in numbering, reads as follows:

A. A museum may apply conservation measures to or dispose of undocumented property in possession of the museum if immediate action is required to protect the property or to protect other property in the custody of the museum, or the property has become a hazard to the health and safety of the public or of the museum's staff.

B. If a museum applies conservation measures to or disposes of undocumented property, the museum:

1. May impose a lien on the undocumented property and on the proceeds from any disposition of the property for the costs incurred by the museum; and

2. Is not liable for injury to or loss of the undocumented property if the museum:

- a. had a reasonable belief at the time the action was taken that the action was necessary to protect the property or other property in the custody of the museum, or that the property constituted a hazard to the health and safety of the public or the museum's staff, and
- b. exercised reasonable care in the choice and application of the conservation measures.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2009 of Title 60, unless there is created a duplication in numbering, reads as follows:

A. An action shall not be brought against a museum for damages because of injury to or loss of property loaned to the museum more than two (2) years from the date the museum gives the lender or person with legal interests notice of the injury or loss or two (2) years from the date of the injury or loss, whichever occurs earlier.

B. An action shall not be brought against a museum to recover property more than two (2) years after the date the museum gives the person with legal interests notice of its intent to acquire the property.

C. An action shall not be brought against a museum to recover property on loan more than two (2) years from the date of the last written contact between the lender or person with legal interest and the museum as evidenced by the museum's records.

D. A lender is considered to have donated loaned property to the museum if the lender fails to file an action to recover the property on loan to the museum within the time periods specified in subsections A through C of this section.

E. Notwithstanding subsections C and D of this section, a lender who was not given notice as provided in this act that the museum intended to terminate a loan as provided in Section 3 of this act, and who proves that the museum received an adequate notice of intent to preserve an interest in loaned property, which satisfies all of the requirements of Section 3 of this act, within the two (2) years immediately preceding the filing of an action to recover the property, may recover the property or, if the property has been disposed of, the reasonable value of the property at the time it was disposed of plus interest at the legal rate.

F. A museum is not liable at any time, in the absence of a court order, for returning property to the original lender even if a person other than the lender has filed a notice of intent to preserve an interest in property. If a person claims competing interests in property in the possession of a museum, the burden is upon the claimant to prove the interest in an action in equity initiated by a claimant. A museum is not liable at any time for returning property to an uncontested claimant who produced reasonable proof of ownership or the existence of a security interest pursuant to Section 3 of this act.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2010 of Title 60, unless there is created a duplication in numbering, reads as follows:

Loaned property in the possession of a museum at the time of the owner's death, which would otherwise escheat to the state, shall not so escheat but shall become property of the museum to which it is loaned.

SECTION 11. This act shall become effective November 1, 2025.

Passed the House of Representatives the 11th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 30th day of April, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____