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STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 2161

By: Dobrinski of the House

and

Jech of the Senate

## AS INTRODUCED

An Act relating to museum property; defining terms; providing that a museum may acquire title to undocumented property in certain instances; providing procedure for museums to acquire title to undocumented property; providing that a museum may acquire title to loaned property in certain instances; providing procedures for museums to acquire title to loaned property; providing procedure reclamation of property in certain circumstances; providing obligations owed to a lender by a museum; providing obligations owed to a museum by a lender; providing that a museum may apply conservation measures to or dispose of property on loan to the museum in certain circumstances; providing procedure if a museum applies conservation measures to or disposes of property; providing that a museum may apply conservation measures to or dispose of undocumented property in certain circumstances; providing procedure if a museum applies conservation measures to or disposes of undocumented property; providing for limitation of legal actions against a museum and limiting liability for a museum in certain circumstances; providing that property on loan to museum which would escheat to the state upon the owners death shall instead become property of the museum at which it is loaned to; providing for codification; and providing an effective date.

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

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

4       As used in this act:

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

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

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

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

- 21           a. is organized on a permanent or regular basis for  
22               essentially educational or aesthetic purposes,  
23           b. owns or uses tangible objects, either animate or  
24               inanimate,

1 c. cares for these objects,

2 d. exhibits these objects to the general public on a  
3 regular basis at or in a facility which it owns or  
4 operates, and

5 e. provides educational and cultural programming;

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

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

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

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

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

22 1. The museum shall publish a notice by publication in a  
23 newspaper of record in the county of the museum. This notice shall  
24 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.

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

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

22       B. If the requirements of subsection A of this section are met,  
23 the museum may acquire title to the loaned property by sending a  
24 notice by certified mail, return receipt requested, to the lender's

1 last known address. This notice shall contain all information  
2 required in the notice under paragraph 2 of subsection A of Section  
3 2 of this act.

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

7 After title to the property is transferred to the museum, the  
8 person as defined in paragraph 5 of Section 1 of this act, has two  
9 (2) years to bring an action against the museum to claim the  
10 property. At the end of this two-year period no action or  
11 proceeding may be brought against the museum, its employees, or  
12 agents by a lender for any good faith action taken by the museum  
13 pursuant to this chapter.

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

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

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

22 2. The museum must keep written records on all loans acquired.  
23 Records shall contain the owner's name, address and phone number,  
24

1 the duration of the loan period and beginning date of the loan  
2 period, as well as an itemized list of property being loaned;

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

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

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

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

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

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

18 A. Unless there is a written loan agreement to the contrary, a  
19 museum may apply conservation measures to or dispose of property on  
20 loan to the museum without a lender's permission if immediate action  
21 is required to protect the property on loan or to protect other  
22 property in the custody of the museum, or the property on loan has  
23 become a hazard to the health and safety of the public or of the  
24 museum's staff, and:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

18       E. Notwithstanding subsections C and D of this section, a  
19 lender who was not given notice as provided in this act that the  
20 museum intended to terminate a loan as provided in Section 3 of this  
21 act, and who proves that the museum received an adequate notice of  
22 intent to preserve an interest in loaned property, which satisfies  
23 all of the requirements of Section 3 of this act, within the two (2)  
24 years immediately preceding the filing of an action to recover the

1 property, may recover the property or, if the property has been  
2 disposed of, the reasonable value of the property at the time it was  
3 disposed of plus interest at the legal rate.

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

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

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

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

22  
23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY  
24 OVERSIGHT, dated 02/27/2025 - DO PASS.