

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 996

By: Jech

4  
5  
6 AS INTRODUCED

7 An Act relating to museums; defining terms; providing  
8 for acquisition of legal title to certain  
9 undocumented property; providing for acquisition of  
10 legal title of certain loaned property; requiring  
11 furnishing of notice; requiring fulfillment of  
12 certain obligations; establishing time limit to bring  
13 certain action; providing for application of certain  
14 conservation measures; limiting actions that may be  
15 taken against a museum; providing recourse for  
16 certain lenders following inadequate notice;  
17 providing for ownership of certain property following  
18 death of lender; providing for codification; and  
19 providing an effective date.

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21  
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

26 As used in this act:

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

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

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

8           4. "Museum" means an organization which uses a professional  
9 staff or the equivalent, whether paid or unpaid, that is primarily  
10 engaged in the acquisition, care, and exhibition to the public of  
11 objects, interactive displays, and exhibits owned or used by the  
12 organization. Museums shall include organizations that:

- 13           a. are organized on a permanent or regular basis for
- 14                   essentially educational or aesthetic purposes,
- 15           b. own or use tangible objects, either animate or
- 16                   inanimate, care for such objects, and exhibit such
- 17                   objects to the general public on a regular basis at or
- 18                   in facilities owned or operated by such organizations,
- 19                   and
- 20           c. provide educational and cultural programming;

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

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

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

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

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

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

- 17           a. a brief and general description of the property,
- 18           b. the date or approximate date of the acquisition by the  
19           museum, if known,
- 20           c. notice of the intent of the museum to claim title if  
21           no valid claims are made within ninety (90) days from  
22           the date of the second notice prescribed in paragraph  
23           2 of this subsection, and

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

3           2.     If no valid claim is made after the ninetieth day, the  
4 museum shall publish a second notice by publication in the same  
5 manner as prescribed in paragraph 1 of this subsection and shall  
6 include the same provisions.

7           B.     If the ninety-day notice period prescribed in subparagraph c  
8 of paragraph 1 of subsection A of this section lapses without  
9 submission of a valid claim, clear and unrestricted title shall be  
10 transferred to the museum as of the date described in subparagraph c  
11 of paragraph 1 of subsection A of this section.

12           SECTION 3.       NEW LAW       A new section of law to be codified  
13 in the Oklahoma Statutes as Section 2003 of Title 53, unless there  
14 is created a duplication in numbering, reads as follows:

15           A.     A museum may acquire legal title to loaned property pursuant  
16 to this section. Upon the expiration date of the loan, the museum  
17 shall attempt to notify the lender in writing to return the loaned  
18 property. If there is no written contact between the lender and the  
19 museum for two (2) years following the expiration of the loan, the  
20 museum shall send a notice by certified mail, return receipt  
21 requested, to the lender's last known address. The notice shall  
22 contain a statement that the loan is now terminated as well as all  
23 information required in the notice under paragraphs 1 and 2 of  
24 subsection A of Section 2 of this act. Notice is deemed to be

1 provided if the museum receives proof of receipt within thirty (30)  
2 days after mailing the notice. If proof of delivery of the notice  
3 is not received within thirty (30) days from the date the notice was  
4 mailed, the museum shall publish a notice by publication in a  
5 newspaper of record in the county of the museum.

6 B. If the requirements of subsection A of this section are met,  
7 the museum may acquire title to the loaned property by sending a  
8 notice by certified mail, return receipt requested, to the lender's  
9 last known address.

10 C. After title to the property is transferred to the museum,  
11 any person having legal interest in the property shall have two (2)  
12 years to bring an action against the museum to claim the property.  
13 At the end of this two-year period, no action or proceeding may be  
14 brought against the museum or its employees or agents by a lender  
15 for any good-faith action taken by the museum pursuant to this  
16 chapter.

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

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

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

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

3 3. The museum shall notify a lender of property to the museum  
4 of a museum's change of address or dissolution;

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

7 5. Upon expiration of the loan, the museum shall attempt to  
8 contact the lender to return the loaned property by phone,  
9 electronic mail, and by certified mail.

10 E. Any person who lends property to a museum shall notify the  
11 museum of a change of address or of a change in ownership of the  
12 loaned property to ensure the retention of rights to the loaned  
13 property.

14 SECTION 4. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 2004 of Title 53, unless there  
16 is created a duplication in numbering, reads as follows:

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

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

4 2. The lender will not agree to the protective measures the  
5 museum recommends and 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 shall:

9 1. Have 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. Not be 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 C. A museum may apply conservation measures to or dispose of  
23 undocumented property in the possession of the museum if immediate  
24 action is required to protect the property or to protect other

1 property in the custody of the museum, or the property has become a  
2 hazard to the health and safety of the public or of the museum's  
3 staff.

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

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

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

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

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

19 SECTION 5. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 2005 of Title 53, unless there  
21 is created a duplication in numbering, reads as follows:

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

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

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

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

15 E. Notwithstanding the provisions of subsections C and D of  
16 this section, a lender who was not given notice as provided in this  
17 act, and who proves that the museum received an adequate notice of  
18 intent to preserve an interest in loaned property within the two (2)  
19 years immediately preceding the filing of an action to recover the  
20 property, may recover the property or, if the property has been  
21 disposed of, the reasonable value of the property at the time it was  
22 disposed of plus interest at the legal rate.

23 F. A museum is not liable at any time, in the absence of a  
24 court order, for returning property to the original lender even if a

1 person other than the lender has filed a notice of intent to  
2 preserve an interest in property. If a person claims competing  
3 interests in property in the possession of a museum, the burden is  
4 upon the claimant to prove the interest in an action in equity  
5 initiated by a claimant. A museum is not liable at any time for  
6 returning property to an uncontested claimant who produced  
7 reasonable proof of ownership or the existence of a security  
8 interest.

9 G. Loaned property in the possession of a museum at the time of  
10 the owner's death, which would otherwise escheat to the state, shall  
11 not escheat but shall be property of the museum to which it is  
12 loaned.

13 SECTION 6. This act shall become effective November 1, 2025.  
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