

July 8, 2016

Drafting Committee to Revise the Uniform Unclaimed Property Act  
c/o Katie Robinson  
Uniform Law Commission  
111 N. Wabash Avenue  
Suite 1010  
Chicago, IL 60602

Dear Drafting Committee Members:

I write because I am concerned that the most recent draft of the revised Uniform Unclaimed Property Act (UUPA) makes it too difficult for consumers to recover billions of dollars in unclaimed property. I urge you to consider several changes to the UUPA that will help consumers recover the money they are owed.

As you know, companies and states collectively hold billions of dollars in unclaimed property – everything from life insurance policies and annuity contracts to gift cards and safety deposit boxes.<sup>1</sup> As the Uniform Law Commission (ULC) has said about the existing UUPA:

These acts were drafted to prevent people, ordinary people for the most part, from losing their rights to property that is justifiably theirs. It is theirs because they earned it, inherited it, or were given it. Those entities and institutions that hold property are its custodians, not its owners. . . The institutions that hold property are debtors. The real owners are the creditors. Safeguarding unclaimed property is a matter of protecting creditor's rights.<sup>2</sup>

Unfortunately, I am concerned that two pieces of the revised UUPA may not fully uphold these principles:

1. **Gift cards:** Despite the increasing prevalence of gift cards – and the large number of them that remain unclaimed – the revised UUPA does not take a position on whether or to what extent gift cards should be considered unclaimed property subject to these rules.<sup>3</sup> If states exclude gift cards, it will make it harder for consumers to recover a significant source of unclaimed property. The ULC should state unequivocally that gift cards should be included in the law.

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<sup>1</sup> National Association of Unclaimed Property Administrators, What Is Unclaimed Property?, at <https://www.unclaimed.org/what/>.

<sup>2</sup> Why States Should Adopt the UUPA, at <http://www.uniformlaws.org/Narrative.aspx?title=Why%20States%20Should%20Adopt%20UUPA>.

2. **Death certification:** In the ten years since the UUPA was revised, companies have gained access to databases that allow them to determine when a customer has died. But the current draft of the UUPA requires the claimant to send a death certificate before the company will even begin determining whether property is abandoned, and therefore should be turned over to the state. There is no longer a need for companies to verify deaths with paper certificates. Although the current draft permits use of these electronic databases, the law does not mandate that the holder of unclaimed property consult the database. ULC should take a stricter stance on forcing insurance companies to use electronic methods to confirm whether a property owner is dead. Requiring a relative or other party to mail in a death certificate is an unnecessary hurdle that decreases the chance that claimants will be reunited with their property.

In addition to addressing these issues, I urge you to consider three additional protections that would make it easier for consumers to find and reclaim their unclaimed property.

1. **Shorten the time between the abandonment of property and deeming the property unclaimed:** The time between an owner's death or abandonment of property and that property being deemed unclaimed should be as short as possible. A provision establishing a shorter time period for property to be presumed abandoned would expedite the process of returning this property to its rightful owner.
2. **Remove fees for claiming property:** Owners of unclaimed property should not be charged a fee to recover their property. The UUPA should include a provision that expressly prohibits companies holding unclaimed property from charging a fee for reclamation.
3. **The timeline for deeming property unclaimed should not vary based on method of payment:** Different payment methods (e.g., a stored value card versus a check) should not increase the time period before property is presumed unclaimed. UUPA should add a provision to their current draft that prohibits this arbitrary practice.

The revised UUPA could help consumers across the country more easily recover their unclaimed property. I urge the commission to prioritize the interests of consumers over corporations who stand to make millions if they can weaken unclaimed property laws.

Thank you for your consideration and for your important work.

Sincerely,



Elizabeth Warren  
United States Senator