

California State Controller's Office
Proposed Regulatory Action: Regulations Governing the Submission of Claims for
Unclaimed Property Held by the California State Controller
Proposed Regulation Text

Title 2. Administration
Division 2 - Financial Operations
Chapter 2 - State Controller
Subchapter 8 - Unclaimed Property Law

The California Controller is proposing to add the following regulations to Article 6 of the above-referenced portion of the California Code of Regulations.

Article 6: Regulations Governing Claiming Unclaimed Property

§ ~~1300~~ 1180.59. Statement of Purpose and Authority to Establish Guidelines for Claiming Unclaimed Property

The purpose of these regulations is to formalize the procedures and format for owners claiming unclaimed property held by the State Controller and to effectuate the legislative mandate set forth in Code of Civil Procedure § 1501.5(c) to reunite owners with their property.

Authority: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.

Reference: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.

§ ~~1301~~ 1180.60. Submission of Claims

~~The State Controller shall require the claimant, or an authorized representative, to submit claim documentation that identifies the property or properties being claimed, and shall include the claimant's name, current mailing address, and personal identifying information, such as social security number and date of birth sufficient to verify the identity of the claimant. The claimant shall sign the claim form verifying the information on the claim form to be true and correct, that the claimant is the owner of and the person or entity entitled to receive the property being claimed. The claim form, made available on the Controller's web site, is hereby incorporated herein by reference. A copy of the claim form in use as of the promulgation of these regulations is attached hereto as Exhibit A.~~

~~The claimant may also submit a claim for unclaimed property electronically via the Controller's website. A claim initiated on the Controller's website and signed electronically shall constitute a claim.~~

Any person claiming property held by the California State Controller's Office per California Unclaimed Property Law, California Code of Civil Procedure Section 1500 et. Cet. must submit an Unclaimed Property Claim Affirmation Form (6/4/2024), hereby incorporated by reference, signed under penalty of perjury and sufficient documentation to prove entitlement to the claimed property or properties, and the claimant's identity as outlined in regulation 1180.61 of this set of regulations.

The above referenced claim form, which is hereby incorporated by reference, must include the claimant's name, the property identification number of all claimed properties, a signature under penalty of perjury verifying the claim, the date of the signature, and an address. If possible, the claimant must provide an email, phone number, driver's license number, and a tax identification number such as a social security number or a Federal Employer Identification Number.

A claim form must be notarized if: the total value of the claim is \$1,000.00 or greater; the claim is for the contents of a safety deposit box; or the claim is for securities.

The claimant may also submit a claim for unclaimed property electronically via the Controller's website. A claim initiated on the Controller's website and signed electronically shall constitute a claim. The Controller's website is also where a claimant can find Property Identification Numbers for unclaimed property (<https://www.sco.ca.gov/>).

Authority: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.

Reference: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.

§ ~~1302~~ 1180.61. ~~Required-Supporting~~ Documentation

The State Controller shall require the claimant, or an authorized representative, to submit sufficient documentation to substantiate the claimant's identity and demonstrate that the claimant is the rightful owner as defined in section 1540(d) of the California Code of Civil Procedure before a payment will be authorized. Sufficient documentation includes, but is not limited to, the listed recommended evidence in the Claim Filing Instructions and Requested Documentation (4/6/2022), which is hereby incorporated by reference.

Authority: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.

Reference: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.

§ ~~1303~~ 1180.62. ~~Additional Required-Supporting~~ Documentation for Claiming the Property of Deceased Owners

In addition to documentation ~~required by submitted under~~ Section ~~1303~~ 1180.61, ~~the State Controller shall require~~ the claimant ~~to~~ shall submit sufficient documentation to substantiate that the reported owner of the property being claimed is deceased, the claimant's association to the deceased property owner, and entitlement to the deceased owner's property that is being claimed before a payment will be authorized. Sufficient documentation includes, but is not limited to, the listed recommended evidence in the Deceased Owner Heir Claim Filing Instructions and Requested Documentation (5/5/2022), which is hereby incorporated by reference.

Authority: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.

Reference: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.

§ ~~1304~~ 1180.63. ~~Required-Additional Supporting~~ Documentation for Claims on Behalf of a Business Entity

The State Controller shall require the claimant, or an authorized representative, to submit sufficient documentation to substantiate the business entity's Federal Employer Identification Number, if applicable, that the business entity is in good standing with the California Secretary of State, if applicable, that the claimant is authorized to claim on behalf of the business entity, and that the business entity is the owner of the property before a payment will be authorized.

Sufficient documentation includes, but is not limited to, the listed recommended evidence in the Business Claim Filing Instructions and Requested Documentation (1/11/2018), which is hereby incorporated by reference.

Authority: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.

Reference: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.

~~§ 1305. — Incomplete Claim Package~~

~~If a claim package does not contain adequate documentation to establish the facts required by the applicable Sections 1302 through 1304, the State Controller shall contact the claimant to identify and obtain any missing documentation, using the contact information provided by the claimant in their claim submission. If the claimant does not provide the missing documentation, the State Controller will return the claim package to the claimant, the claimant's attorney, or the claimant's authorized representative. The claimant may resubmit the claim when the necessary supporting documentation has been obtained.~~

~~Authority: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.~~

§ ~~1306~~ 1180.64. Claims Consideration

The State Controller's Office will consider a claim, and render a determination as to the validity of the claim, within one hundred eighty (180) days of receipt of a completed claims package. If the claim is denied in whole or in part, the State Controller shall provide the claimant with a written notification of the denial.

Authority: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.

Reference: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540, California Code of Civil Procedure § 1541.

§ ~~1307~~ 1180.65. Asset Recovery Agreements

The State Controller shall process claims filed under asset recovery agreements submitted by organizations, private investigators, attorneys, heir finders, and other individuals or entities only if the State Controller determines the agreement to be in compliance with Code of Civil Procedures Section 1582. Attorneys who submit claims based under asset recovery agreements may submit a declaration under penalty of perjury stating that the asset recovery agreement

complies with Section 1582 in lieu of providing the actual asset recovery agreement.

Authority: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540.

Reference: California Code of Civil Procedure § 1580, California Code of Civil Procedure § 1540, California Code of Civil Procedure § 1582.