

in N.J.S.A. 39:4-204 and this subchapter, when such handicapped person has submitted medical evidence, satisfactory to the Chief Administrator, **as requested on the required medical evidence form provided by the Chief Administrator.**

13:20-9.4 Limitation on number of certificates

One set of handicapped person [identification] vehicle registration placards and/or one placard may be issued to a qualified handicapped person[, but in]. **In no event shall the number of handicapped person [identification vehicle registration] license plates and placards issued to any one person with a disability exceed one set of plates and one placard.**

13:20-9.5 Passenger vehicles or motorcycles

Handicapped person [identification] vehicle registration plates and placards shall be issued for use on passenger vehicles or motorcycles only and in no event shall a [certificate] **vehicle registration plate or placard** be issued for or used on a vehicle which is used for commercial purposes.

13:20-9.6 Temporary certificates

A handicapped person identification vehicle registration placard may be issued on a temporary basis **for not more than six months' duration by the chief of police of each municipality to a person who is certified by a physician, podiatrist, [or] chiropractic physician, physician assistant, or nurse practitioner licensed in this State or a bordering state; or a physician stationed at a military or naval installation located in this State who is licensed to practice in any state,** to be temporarily disabled to a degree which would qualify him or her under the provisions of N.J.S.A. 39:4-204, N.J.S.A. 39:4-206, and this subchapter.

13:20-9.7 Display of placards and temporary placards

(a) A placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard of the vehicle.

(b) **Whenever a vehicle uses a plate or placard as justification for parking in a designated parking space or any benefit reserved for persons with disabilities, the person for whom the placard or plate has been issued and is being displayed shall carry his or her persons with a disability identification card and upon request from a law enforcement officer, shall present such card. If the driver or passenger of a vehicle parked in a parking space reserved for persons with disabilities is unable to present a valid disability identification card showing that the person to whom the license plate or placard was properly issued is present at the location, the person to whom the license plate or placard was issued and/or the person who parked the vehicle in the restricted space is guilty of a parking violation under N.J.S.A. 39:4-197(3)(c) and shall be subject to the penalties prescribed therein.**

TREASURY — GENERAL

(a)

UNCLAIMED PROPERTY ADMINISTRATION

Unclaimed Personal Property

Proposed Readoption with Amendments: N.J.A.C. 17:18

Proposed New Rules: N.J.A.C. 17:18-5

Authorized By: Steven R. Harris, Administrator, Unclaimed Property Administration.

Authority: N.J.S.A. 46:30B-107.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2013-088.

Submit written comments by August 2, 2013 to:

Robert H. Davidson

Administrative Practice Officer
 Department of the Treasury
 Unclaimed Property Administration
 P.O. Box 214
 Trenton, NJ 08695-0214

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 17:18 expires on May 24, 2013. Pursuant to N.J.S.A. 52:14B-5.1.c(2), as this notice of rules proposed for readoption with amendments and a new rule has been filed prior to the expiration date of the chapter, the expiration date is extended for 180 days until November 20, 2013.

The Department of the Treasury, Unclaimed Property Administration, (UPA) proposes to readopt and amend N.J.A.C. 17:18 to implement new and existing provisions of the Uniform Unclaimed Property Act (Act), N.J.S.A. 46:30B-1 et seq., which govern managing unclaimed property, including the provisions of P.L. 2010, c. 25, as further amended by P.L. 2012, c. 14, that amend the abandonment period and dormancy fees for travelers checks and money orders. The UPA has reviewed these rules as amended and has deemed them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated.

N.J.A.C. 17:18-1 relates to safe deposit box policies and procedures, including abandonment, reporting, inspection, estimation of value, custody, notifications, alternate disposition, retention of records, auction sales, rights of purchasers of safe deposit box contents, and penalties, as well as definitions of terms. N.J.A.C. 17:18-1.1(e) is proposed for amendment to re-designate the name of the existing form the holder uses for filing the required report, adds a new required form, and notes that the report must contain a detailed listing of all property to be auctioned as well as property not to be auctioned and indicate any fees that have been deducted. The definition of "last known address" in N.J.A.C. 17:18-1.2 is proposed to be amended to change the requirement of "sufficient for the purpose of the delivery of mail" to instead state that the zip code is sufficient to identify which state has first priority right to escheat abandoned property. N.J.A.C. 17:18-1.3(a) is proposed for amendment to delete language about "giving instructions on how to download the safekeeping diskette report" since New Jersey now accepts HRS Pro files, which may be downloaded from the Unclaimed Property Administration website, and advises holders to contact the Unclaimed Property Administration for further instructions as needed. Furthermore, instructions are no longer mailed upon request, but are posted on the Unclaimed Property Administration's website, so paragraph (a)1 has been proposed for amendment accordingly. N.J.A.C. 17:18-1.3(d) is proposed for amendment to change cash worth face value from being "added" to being "totaled." Language has been added to state that cash worth more than face value shall be delivered to UPA in its original form.

New N.J.A.C. 17:18-1.9(a)1 is proposed to require safe deposit and other repository holders to cross-reference all open accounts for a current address that must be used for certified mailing to ensure maintenance of accurate owner information.

N.J.A.C. 17:18-1.11(b)1ii is proposed for amendment to update the agency name from "Property Administration Branch" to "Unclaimed Property Administration" and to note that it is an "officer" not an "official" that shall send the notice referenced.

N.J.A.C. 17:18-2 relates to time deposits and provide guidelines for determining whether a time deposit is abandoned and the proper notice to be sent to time deposit owners regarding contact, abandonment, and reporting of the deposit to the Administrator of unclaimed property. There is no change proposed to these sections.

N.J.A.C. 17:18-3 concerns dormancy fees. N.J.A.C. 17:18-3.1 contains definitions of words and terms used in Subchapter 3 and is proposed for amendment to include a definition of the Uniform Unclaimed Property Act.

N.J.A.C. 17:18-3.2(a) provides that generally, dormancy fees may not be imposed unless an enforceable written agreement allows such fees to exist between the holder and owner of the property, the fees are regularly imposed and not reversed or cancelled, and there are no additional charges assessed due to escheatment. Subsection (b) provides requirements and guidelines pertaining to whether dormancy fees are

unconscionable for money orders, other checks, drafts, and similar instruments issued or certified by financial organizations; demand or savings deposits and any funds paid toward the purchase of shares, mutual fund investment certificates, or any other interests in a financial organization; security accounts; and any other property not covered under the other paragraphs in subsection (b).

N.J.A.C. 17:18-3.2(b) further provides guidelines for determining whether the fees listed above are unconscionable, and therefore prohibited by N.J.S.A. 46:30B-20. Generally, fees that are not unconscionable are those which are imposed uniformly, as well as disclosed at the time the property, deposit, instrument, or account was created. Additionally, these fees do not accrue until a specified time after creation and they stop accruing after the value of the item is escheated. Fees may also be allowed by written agreement between the holder or issuer and owner or payee and must not exceed a specified amount per month or in the aggregate.

N.J.A.C. 17:18-3.2(b)1, pertaining to money orders, is proposed for amendment by deleting existing subparagraph (b)1iii, which states that dormancy fees may not accrue until at least one year after the purchase date nor may fees be imposed retroactively to the date of purchase and must stop accruing after the value of the money order is escheated. Subject matter from subparagraph (b)1iii appears in amended subparagraphs (b)1 iv, v, and vi, which reflect recent statutory changes as discussed in greater detail below. Subparagraph (b)1iv is recodified as subparagraph (b)1iii with grammatical changes. Subparagraph (b)1iv provides that dormancy fees stop accruing after the value of the money order is escheated. Subparagraph (b)1v reflects changes in the maximum amount of fees that may be charged for money orders issued prior to April 12, 2008, when N.J.S.A. 56:8-182 was enacted, and the change in the abandonment period to three years, as a result of statutory changes to N.J.S.A. 46:30B-12. Fees may not be imposed until three years from the date of purchase, may be imposed retroactively to the date of purchase not to exceed \$.25 per month per money order, and may not exceed an aggregate of \$9.00. New subparagraph (b)1vi reflects the changes enacted in N.J.S.A. 56:8-182, which apply to money orders issued beginning on April 12, 2008, and the change in the abandonment period to three years, as a result of statutory changes to N.J.S.A. 46:30B-12. The new language provides that dormancy fees may not be imposed for the first year or retroactively to the date of purpose and may not exceed \$2.00 per month for the last two years and may not exceed an aggregate of \$48.00, in conformity with statutory changes to N.J.S.A. 46:30B-13.

New N.J.A.C. 17:18-3.2(b)2 pertaining to travelers checks is proposed to reflect a recent statutory change reducing the abandonment period from 15 years to three years. The new paragraph states that dormant fees are permitted to be assessed provided they are imposed uniformly to all of the issuer's travelers checks and clearly disclose the fees and terms to the purchaser at the time of purchase as well as to the recipient. Further, fees may also be charged if done so by written agreement between the issuer and the purchaser. Subparagraph (b)2iv provides that dormancy fees stop accruing after the value of the travelers check is escheated. Subparagraph (b)2v indicates that maximum amount of dormancy fees that may be charged. Dormancy fees may not exceed \$2.00 per month for the last two years of the three-year abandonment period. See N.J.S.A. 46:30B-13. N.J.A.C. 17:18-4.1 and 4.2 relate to procedures governing payment of claims by the Administrator of unclaimed property. N.J.A.C. 17:18-4.2(b) is proposed for amendment to allow for claim forms to be verified by electronic signature as an alternative to the actual signature if not a paper submission. N.J.A.C. 17:18-5 is proposed as new. New N.J.A.C. 17:18-5.1 states that communication between an issuer, holder, or seller and an apparent owner is to be governed by the statutory provisions set forth in N.J.S.A. 46:30B-7.1 and 8. The rule further states that a notice sent to an owner advising him or her that failure to respond to the communication will relieve the issuer, holder, or seller of any further obligation to pay or transfer held goods to the owner, will not be considered a valid communication, under the Act, for the purposes of relieving the issuer, holder, or seller of its reporting and payment obligations, should said property become abandoned. In addition, sample "due diligence" letters are provided, as N.J.A.C. 17:18-5 Appendix, as examples of positive confirmation letters meeting the communication requirements of the Act.

As the UPA has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption with amendments and proposed new rule were meant to clarify and explain for holders of: unclaimed safe deposit box property; time deposits; money orders; demand or savings deposits and any funds paid toward the purchases of shares, mutual fund investment certificates, or any other interests in a financial organization; checks, drafts, and similar instruments issued or certified by a financial organization; security accounts; stored value cards; and all other abandoned property; the methodology to be followed in the holder's compliance efforts under the Act; and to develop a uniform understanding between the Unclaimed Property Administration and holders of unclaimed property with regard to the various operational steps to be taken by holders to report and deliver property. The rules proposed for readoption with amendments and a new rule continue the above objectives.

Additional objectives are to create the most efficient process for receiving, distributing, and, where applicable, selling unclaimed contents of safe deposit boxes while providing adequate internal controls and proper recording for reconciliation purposes. Thus, the rules proposed for readoption with amendments and a proposed new rule are expected to further enable rightful owners to be reunited with their previously abandoned property, which is held in perpetuity until a rightful claim is made. The rules also give the general public an opportunity to buy contents of safe deposit boxes that have met the criteria of abandonment. The rules further provide a means to consolidate and adopt a unified approach towards the treatment of unclaimed property in the State of New Jersey.

Thus, the rules proposed for readoption with amendments and a proposed new rule clarify for holders the occurrence of events needed to determine whether property should be deemed abandoned under the Act. The rules should assist holders in their compliance efforts under New Jersey's unclaimed property statutes and should continue to develop a uniform understanding between the Unclaimed Property Administration and holders for reporting and delivering property. The rules afford comprehensive and consistent treatment of property to protect the holder, the rightful owner and the State. As a result, potential litigation concerning the interpretation of the Uniform Unclaimed Property Act and its application to unclaimed property should be minimized.

The provisions of the rules proposed for readoption with amendments, pertaining to detailed notice and the manner in which that notice is to be given to apparent owners of abandoned property and the requirement that claims may be paid only to an owner and not an heir searcher, continue to serve the statutory aim of protecting owners' interests in property which is or may become abandoned. The rules should, therefore, continue to enable the rightful owners to be reunited with their property.

Economic Impact

The rules proposed for readoption with amendments and a proposed new rule are expected to have no adverse economic impact in and of themselves because the rules implement the requirements of the Act pertaining to unclaimed property, N.J.S.A. 46:30B-1 et seq. The rules are likely to have a positive economic effect on the class of individuals expected to be affected by these rules because they clarify the means of communication that may be utilized by certain holders of property deemed to be abandoned and the nature of the notices that must be sent to owners before property presumed to be abandoned is turned over to the Administrator by these holders.

Additionally, by limiting the amount of dormancy fees that holders may impose on certain property, the rules will further protect the interests of property owners for whom the Uniform Unclaimed Property Act was adopted, by preserving the value of that property. Further, limiting the amount of dormancy fees that holders may impose is in keeping with the statutory mandate that such fees not be unconscionable.

Approximately 75 percent of the money generated by the administration of the abandoned property program is ultimately deposited into the State's General Fund. The remaining funds are retained for payment of claims and to administer the program. There is no time limit

on when claims may be made. Thus, sufficient funds will always be made available for the payment of claims, since the State is obligated in perpetuity to pay all valid claims.

The rules impose no additional costs on bank holders of property since banks are already required to maintain the information to be reported in accordance with the Uniform Unclaimed Property Act and the rules and laws regarding banking.

These rules contain procedures that are designed to reunite the rightful owners of abandoned property with their property in a quick and efficient manner. Various economic issues are addressed by the rules, including how to report multiple safekeeping boxes of items, as well as indemnification of the holder where the State elects not to receive the property.

It is not expected that the Unclaimed Property Administration will require any staff increase or additional resources to carry out its responsibilities under these rules.

Federal Standards Statement

The rules proposed for readoption with amendments and proposed new rule do not contain requirements that exceed any requirements imposed by Federal law. These rules represent policies of the State of New Jersey regarding implementation of N.J.S.A. 46:30B-1 et seq., that are independent of Federal requirements or standards. Accordingly, no Federal standards analysis is required.

Jobs Impact

The Administrator does not anticipate that any jobs will be generated or lost as a result of the rules proposed for readoption with amendments or the proposed new rule.

Agriculture Industry Impact

The rules proposed for readoption with amendments and proposed new rule will have no impact on the agriculture industry beyond their general impact on the population as a whole.

Regulatory Flexibility Analysis

The rules proposed for readoption with amendments and proposed new rule apply to all holders of unclaimed property subject to the Uniform Unclaimed Property Act, N.J.S.A. 46:30B-1 et seq., which may include small businesses as this term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments and proposed new rule continue to impose specific reporting and recordkeeping requirements on financial institutions. Penalties may be enforced for lack of compliance with these requirements according to N.J.S.A. 46:30B-103 and 104.

When the rental fee of a safe deposit box or other safekeeping repository is unpaid for one year, the financial institution must take certain steps to ensure the proper accounting of the contents found in the box or repository, pursuant to N.J.S.A. 17:14A-51. The holder must notify the owner by a written notice sent by registered mail, that if the rental for the box or repository is not paid within 30 days after the date of the mailing of the notice, it will have the box or repository opened and the contents, if any, placed in a sealed package by a notary public, marked by the notary public with the name of the lessee or lessees in whose name the box or repository stands and the estimated value thereof, and the package so sealed and marked will be placed in one of the general vaults, safes, or boxes of the holder. The holder incurs any costs due to breaking open the box or repository and repairing and restoring it for another customer's use.

The holder thereafter has a lien on the contents of the box or repository so removed for the amount due on it for the rental of same up to the time of the removal of the contents and for the costs and expenses, if any, incurred in its opening, repairing, and restoration for use. If the lien is not paid and discharged within one year from the opening of the box or repository and the removal of its contents, the holder may sell the contents at public auction, or so much thereof as is required, to pay and discharge the lien and expenses of sale. A notice of the date, time, and place of the sale must be advertised in a newspaper having a general circulation at least once per week for two successive weeks prior to the sale. The holder may retain from the proceeds of the sale the amount due to it for its lien and the expenses of sale. The balance of the proceeds of the sale and the unsold contents, if any, are to be held to be paid and

delivered to the lessee or owner of the contents of the safe deposit box or repository so sold.

When five years have transpired from the time the rental fee for the safe deposit box or repository originally became unpaid, the remaining proceeds are to be paid over to the State. Also, property not sold is turned over to the State at this time. This is accomplished through both reporting and delivery of the property. Reporting might not occur at the same time as actual delivery because the Administrator will first inspect the property based on the report.

For reporting, the holder will be sent a notification each year detailing any changes in reporting requirements. Records are required to be maintained pursuant to N.J.S.A. 17:14A-50. The holder must report each safe deposit box individually with regard to the assets, liens charges, sale expense, and sale proceeds; holders do not apply lien charges and sale expenses, in total, to proceeds received from the sale. If the sale was held, the proceeds due to the State must be remitted with the report.

Compliance by smaller financial organizations with the notice requirements should not require any initial capital or annual costs but could result in cost savings. This is because the rules would continue to allow financial organizations to attempt to contact owners of time deposits by regular mail before having to use certified mail, return receipt requested, and would thus save mailing costs (see N.J.A.C. 17:18-2.4). This could result in a decrease in the number of accounts that financial organizations would be required to report and turn over to the Administrator as abandoned property. And while some holders might see a reduction in the amount of dormancy fees they might otherwise charge, given the computerization of records and ease of handling of account information that would occur regardless of dormancy fees, such a reduction should not result in any adverse impact on small financial organizations. Such limitation is needed to meet the statutory mandate that dormancy fees not be unconscionable. There should, however, be no additional services needed by any small businesses due to reporting, recordkeeping, or other compliance requirements.

Some financial institutions may wish to retain the services of professionals such as appraisers to ascertain if these rules pertain to their businesses. However, this should have no impact on the operations of any financial institutions assuming that the professionals charge at normal rates. The Unclaimed Property Administration anticipates that the rules proposed for readoption with amendments and proposed new rule will not increase capital costs of small businesses or their need for professional services.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments and proposed new rule will not have an impact on affordable housing or result in a change in the average costs associated with housing. The rules implement recent statutory changes in the Uniform Unclaimed Property Act and involve procedures for holding, reporting, and paying claims pertaining to unclaimed property.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments and proposed new rule will not impact smart growth and there is an extreme unlikelihood that they would result in a change in housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The basis for this finding is that the rules have nothing to do with housing production, either within Planning Areas 1 or 2, within designated centers, or anywhere in the State of New Jersey, but only involve procedures for holding, reporting, and paying claims pertaining to unclaimed property.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 17:18.

Full text of the proposed amendments and new rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. SAFE DEPOSIT BOX POLICIES AND PROCEDURES

17:18-1.1 Declaration of policy
(a)-(d) (No change.)

(e) Upon presumption of abandonment, the holder shall file the required report pursuant to N.J.S.A. 46:30B-46 through 50 and this chapter, using the State-approved format, State forms UP-1S [or approved substitute form] **and UP-3.**

1. If a sale has been held, the excess proceeds must accompany the report. **The report must contain a detailed listing of all property to be auctioned, as well as property not to be auctioned and include any fees that have been deducted.**

2. (No change.)

(f) (No change.)

17:18-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

“Last known address” means a description of the location of the apparent owner sufficient for the purpose of [the delivery of mail] **determining which state has the right to escheat the abandoned property and the zip code of the apparent owner’s (creditor’s) last known address is sufficient.**

...

17:18-1.3 Reporting

(a) The safe deposit box holder shall be sent a notification each year prior to August 1 detailing any changes in reporting requirements. [and giving instructions on how to download the safekeeping diskette report from the Internet or the phone number to call in order to receive a paper copy of the reporting form. The safekeeping diskette report must be used, whether downloaded from the Internet or obtained as a paper copy]. **The State of New Jersey accepts HRS Pro files, which may be downloaded from the Unclaimed Property Administration website. The Unclaimed Property Administration may also be contacted for further instructions.**

1. Instructions as to how to report will be posted on the Unclaimed Property Administration’s website [and mailed upon request]. The web address is <http://www.unclaimedproperty.nj.gov/>. All holders shall record an owner’s name, associated address, and social security number.

(b)-(c) (No change.)

(d) Cash, consisting of coins or currency, must be maintained in its original form and not commingled with the cash of other owners. It must not be converted to any other cash instruments until the box has been inspected by Unclaimed Property Administration personnel. The State at that time will require the cash determined to be worth face value to be [added] **totaled** and the total cash amount be converted by the safe deposit box holder to a check instrument payable to “Treasurer, State of New Jersey.” The cash funds are to be reported by the owner and deposited into the Unclaimed Personal Property Trust Fund. Cash in a safe deposit box is not to be confiscated by the holder for reimbursement. **Cash that is worth more than face value shall be delivered to the Unclaimed Property Administration in its original form. Cash shall not be converted to any other cash instrument.**

17:18-1.9 Notice requirement

(a) The holder shall give written notice to the apparent owner by certified mail with return receipt requested not more than 120 days nor less than 60 days before the report is filed, pursuant to N.J.S.A. 46:30B-50, informing the apparent owner that the holder is in possession of property presumed abandoned if:

1. All holders of safe deposits and other repositories are required to cross-reference all open accounts for a current address. The most current address must be used for certified mailings;

Recodify existing 1.-3. as 2.-4. (No change in text.)

17:18-1.11 Inspection of holder inventory or safe deposit box

(a) (No change.)

(b) The Unclaimed Property Administration shall notify the holder by written or oral communication referencing the report summary detailing the inventory that will be inspected.

1. This communication shall request the following two items from the holder:

i. The name of the individual who should be contacted by the **Unclaimed** Property Administration [Branch] in order to arrange the inspection; and

ii. A statement from an [official] **officer** of the holder sent to the **Unclaimed** Property Administration [Branch], affirming that all provisions of the Uniform Unclaimed Property Act, [(N.J.S.A. 46:30B-1 et seq.)], and the Safe Deposit Box Companies-Proceedings for Unpaid Rental Statute, [(N.J.S.A. 17:14A-51)], have been met by the holder with respect to those boxes or repositories being reported.

(c)-(d) (No change.)

SUBCHAPTER 3. DORMANCY FEES

17:18-3.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

“Uniform Unclaimed Property Act” means the act found at **N.J.S.A. 46:30B-1 et seq.**

17:18-3.2 Dormancy fees; unconscionability; limitations

(a) (No change.)

(b) In addition to the requirements of (a) above, dormancy fees may not be unconscionable. Dormancy fees are not unconscionable when applied where:

1. Holders of money orders pursuant to N.J.S.A. 46:30B-13:

i.-ii. (No change.)

iii. Do not accrue the fees until at least one year after the purchase date, no fees may be imposed retroactively to the date of purchase, and the fees stop accruing after the value of the money order is escheated;]

iv. Are permitted to [do so] **impose fees** by [contract] **written agreement** between the issuer and the purchaser; [and]

v. Do not impose fees that exceed the sum of \$.25 per month per money order or the aggregate amount of \$21.00 per money order; however, for money orders issued on or after April 12, 2008, an issuer may impose fees not to exceed the sum of \$2.00 per month per money order or the aggregate amount of \$144.00 per money order;]

iv. Stop accruing fees after the value of the money order is escheated;

v. Impose no fees for money orders issued before April 12, 2008, until three years from the date of purchase, in which case fees may then be imposed retroactively to the date of purchase, not to exceed the sum of \$.25 per month per money order or the aggregate amount of \$9.00 per money order; and

vi. Impose no fees for money orders issued on or after April 12, 2008, for the first year nor retroactively to the date of purchase, and fees shall not exceed the sum of \$2.00 per month per money order or the aggregate amount of \$48.00 per money order.

2. Holders of travelers checks pursuant to N.J.S.A. 46:30B-13:

i. Impose the fees uniformly to all of the issuer’s travelers checks;

ii. Clearly disclose the fees and terms to the purchaser of the travelers check at the time of the purchase and to the recipient of the travelers check by:

(1) **Written notice of the dormancy fees on the travelers check or the sales receipt for the travelers check; and**

(2) **Written notice on the travelers check, or the sales receipt for the travelers check, of a telephone number that the consumer may call for information concerning any dormancy fees;**

iii. Are permitted to charge fees by written agreement between the issuer and the purchaser;

iv. Stop accruing fees after the value of the travelers check is escheated;

v. Impose no fees for the first year nor retroactively to the date of purchase, and beginning the 13th month, an issuer may impose fees not to exceed the sum of \$2.00 per month per travelers check or the aggregate amount of \$48.00 per travelers check;

Recodify existing 2.-4. as 3.-5. (No change in text.)

[5.] 6. Holders of all property not covered under (b)1 through [4] 5 above:

i.-v. (No change.)

SUBCHAPTER 4. PAYMENT OF CLAIM BY ADMINISTRATOR

17:18-4.2 Payment to be made; claimant’s address and signature in claim form; corporate claims

(a) (No change.)

(b) Any claim form for unclaimed property as prescribed by the administrator, submitted to the administrator by a claimant, shall state the actual claimant’s own address and be verified by the [actual] claimant’s actual or electronic signature.

(c)-(d) (No change.)

SUBCHAPTER 5. COMMUNICATION BETWEEN AN ISSUER, HOLDER, OR SELLER AND APPARENT OWNER

17:18-5.1 Communication between an issuer, holder, or seller and apparent owner

(a) All communications between an issuer, holder, or seller of property that may become abandoned under the Uniform Unclaimed

Property Act, N.J.S.A. 46:30B-1 et seq., (Act) shall be governed by the statutory provisions set forth in N.J.S.A. 46:30B-7.1 and 46:30B-8.

(b) A communication sent to an owner advising that failure to respond to the communication shall be confirmation that the issuer, holder, or seller has no further obligation to pay or transfer held goods to the owner, shall not be considered a valid communication, under the Act, for the purposes of relieving the issuer, holder, or seller (ultimate obligor) of reporting and payment obligations, should said property become abandoned under the Act.

(Agency Note: The text of proposed new N.J.A.C. 17:18-5 Appendix follows without boldface symbolizing proposed new text; those portions of the appendices appearing in boldface are proposed to be so permanently.)

APPENDIX

The following are sample “due diligence” letters, which meet the communications requirement under the Act:

July 1, 20XX

John Doe
55 Street Address
City, State Zip Code

RE: Outstanding Accounts Receivable Credit Balance

Account Number: 123-45678
Amount: \$123.45

Dear John Doe

We have conducted an internal review of our inactive customer accounts receivable records that reflect a credit balance. Our review indicates that the credit balance noted above may be due to you.

Please check the appropriate box on this letter, sign the letter and return it to [Company’s Name] in the envelope provided by **August 1, 20XX**. After completing the letter, mail to the attention of:

Company’s Name
Accounting Department
555 Street Address
City, State Zip Code

After reviewing my records, or to the best of my knowledge, I have determined that this property is owed to me. **Please re-issue.**

After reviewing my records, or to the best of my knowledge, I have determined that this property is not owed to me. **Do not re-issue.**

After reviewing my records, or to the best of my knowledge, I have determined that this property was previously received. **Do not re-issue.**

If a response is not received by **August 1, 20XX**, these funds will be escheated to the State of New Jersey in accordance with State law. Once the funds are transferred to the State, you will be required to submit a claim to the State’s Unclaimed Property Administration to recover it.

Your response will help us to ensure that we take the appropriate action concerning the above property.

Printed Name: _____ Title: _____
Signature: _____ Date: _____
Telephone: (____) _____



July 1, 20XX

John Doe
55 Street Address
City, State Zip Code

Company's Name

5555 Street Address
City, State Zip Code
Telephone (555) 555-5555

RE: Outstanding Check

Check Number: 12345
Property Type: [i.e.: Payroll Check/Workman's Compensation Check/Vendor Check/Expense Check/Rebate Check/Refund Check/ Dividend Check]
Pay Date: October 15, 20XX
Amount: \$123.45
Invoice Number: [If applicable]

Dear John Doe

We have conducted an internal review of our [Property Type] records that reflects the above outstanding check(s) that may be due and owing to John Doe. Please review your records and check the appropriate box on this letter, sign the letter and return it to [Company's Name] in the envelope provided by August 1, 20XX. Mail to the attention of:

Company's Name
Accounting Department
555 Street Address
City, State Zip Code

After reviewing my records, or to the best of my knowledge, I have determined that this property is owed to me. Please re-issue.

After reviewing my records, or to the best of my knowledge, I have determined that this property is not owed to me. Do not re-issue.

After reviewing my records, or to the best of my knowledge, I have determined that this property was previously received. Do not re-issue.

If a response is not received by August 1, 20XX, these funds will be escheated to the State of New Jersey in accordance with State law. Once the funds are transferred to the State, you will be required to submit a claim to the State's Unclaimed Property Administration to recover it.

Your response will help us to ensure that we take the appropriate action concerning the above property.

Printed Name: _____
Signature: _____
Telephone: ()

Title: _____
Date: _____

