S T A T E O F N E W Y O R K

9116

I N A S S E M B L Y

March 18, 2014

Introduced by M. of A. SIMANOWITZ, DINOWITZ -- (at request of the State Comptroller) -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to the sale of abandoned property location services; and to amend the abandoned property law, in relation to restrictions on agreements to locate abandoned property

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 393-e of the general business law, as added by chapter 332 of the laws of 2012, is amended to read as follows:

2. Any person, corporation, association, partnership or other entity which sells or offers to sell [in this state] any abandoned property location services FOR ABANDONED PROPERTY DELIVERED TO THE STATE AND HELD BY THE STATE COMPTROLLER shall, in every solicitation and agreement for such services, provide to the purchaser the following notice in a clear and conspicuous manner, and in at least twelve-point boldface type prior to the time of sale:

"Abandoned funds held by the State can be obtained directly from the Office of the State Comptroller by the owner of such funds without paying a fee. These funds are held indefinitely by the Office of the State Comptroller. For more information, contact the Office of the State Comptroller at (insert the current telephone number established by the Office of the State Comptroller for receiving inquiries from consumers regarding unclaimed funds) or (insert the current address of the website of the Office of the State Comptroller)."

S 2. Subdivision 2 of section 1416 of the abandoned property law, as added by chapter 332 of the laws of 2012, is amended to read as follows:

2. This section shall apply to any person, corporation, association, partnership or other entity which sells or offers to sell [in this state] abandoned property location services FOR ABANDONED PROPERTY DELIVERED TO THE STATE AND HELD BY THE STATE COMPTROLLER; provided,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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however, that this section shall not apply to a client's agreement with an attorney or accountant where:

(a) the services in question can only be performed by an attorney or accountant; or

(b) there is a pre-existing relationship between the attorney or accountant and the client; or

(c) the agreement results from an effort initiated by the client to engage the attorney or accountant.

S 3. This act shall take effect immediately.