



General Assembly

February Session, 2012

Raised Bill No. 5355

LCO No. 1663

* _____HB05355JUD___042512_____*

Referred to Committee on Education

Introduced by:
(ED)

AN ACT CONCERNING MUSEUM PROPERTY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) As used in this section
2 and sections 2 to 10, inclusive, of this act:

3 (1) "Museum" means any nonprofit or public institution that is
4 organized for educational, scientific, historic or aesthetic purposes, and
5 which owns, borrows, cares for, studies, archives or exhibits property.
6 Museums may include, but not be limited to, historical societies, parks,
7 historic sites and monuments, archives and libraries;

8 (2) "Property" means any tangible object in the possession of and
9 under a museum's care that has intrinsic educational, scientific,
10 historical, artistic, aesthetic or cultural value;

11 (3) "Loan" means a deposit with a museum that (A) title to the
12 property is not transferred to the museum, (B) the loan agreement for
13 such deposit does not include a provision that the museum acquire title at
14 some time after such deposit is made, or (C) the loan agreement for such
15 deposit includes an option for the museum to acquire title at some time
16 after such deposit is made;

17 (4) "Lender" means a person whose name appears on the records of
18 a museum as the person legally entitled to, or claiming to be legally
19 entitled to, property held by the museum or, if such person is
20 deceased, the legal heirs of such person.

21 Sec. 2. (NEW) (*Effective October 1, 2012*) (a) Any property on loan to a
22 museum that is subject to a loan agreement shall be deemed to be
23 donated to the museum if (1) no claim of ownership is made or action
24 filed to recover such property by the owner after termination or
25 expiration of the loan, and (2) the museum has given notice, in
26 accordance with the provisions of section 5 of this act, and no claim of
27 ownership is made or action to recover such property is filed on or
28 before sixty days after the publication of the second notice.

29 (b) A museum may terminate a loan of property for any property
30 that was loaned to the museum for an indefinite term if the property
31 has been in the possession of the museum for at least five years. Any
32 property on loan to a museum and whose loan agreement indicates
33 that such property is on permanent loan to the museum shall be
34 considered loaned for an indefinite term for purposes of this
35 subsection. The property for any loan of property that has been
36 terminated pursuant to this subsection shall be deemed donated to the
37 museum.

38 (c) A museum may terminate a loan of property for any property
39 that was loaned to the museum for a specified term after the expiration
40 of such specified term, provided the museum provides notice of such
41 termination in accordance with the provisions of section 5 of this act.
42 The property for any loan of property that has been terminated
43 pursuant to this subsection shall be deemed donated to the museum.

44 (d) The owner of property loaned to a museum shall provide such
45 museum with written notice of (1) any change of the address of such
46 owner, (2) the designated agent of such owner, (3) the address of such
47 designated agent, and (4) the name and address of any new owner of
48 such property if there is a change in the ownership of such property

49 loaned to the museum.

50 (e) A museum accepting a loan of property shall provide the owner
51 of such property a written copy of the provisions of sections 1 to 10,
52 inclusive, of this act.

53 Sec. 3. (NEW) (*Effective October 1, 2012*) Any property in the
54 possession of a museum that is not subject to a loan agreement shall be
55 deemed to be abandoned if (1) such property is unclaimed and has
56 been in the possession of the museum as unclaimed property for at
57 least five years, and (2) the museum has given notice, in accordance
58 with the provisions of section 5 of this act, and no claim of ownership
59 is made or action to recover such property is filed on or before sixty
60 days after the publication of the second notice. Any abandoned
61 property in the possession of a museum shall become the property of
62 such museum.

63 Sec. 4. (NEW) (*Effective October 1, 2012*) Each museum shall maintain
64 a record, in accordance with the regulations adopted by the State
65 Librarian pursuant to section 10 of this act, of all property on loan to
66 the museum, including the name and address of the lender, if known,
67 and the dates that such property is to be on loan to the museum and a
68 copy of the loan agreement for such property. The museum shall
69 provide a copy of such record and the loan agreement to the lender of
70 property at the time that such lender makes the loan of property to the
71 museum. If a museum is notified of a change in ownership of any
72 property on loan to the museum, the museum shall create a new
73 record for such property and update the existing loan agreement and
74 shall provide a written copy of such new record and such updated
75 loan agreement to the new owner of such property. If a museum
76 becomes the owner of any property on loan to the museum, the
77 museum shall maintain a record of such ownership in accordance with
78 the regulations adopted by the State Librarian pursuant to section 10 of
79 this act.

80 Sec. 5. (NEW) (*Effective October 1, 2012*) (a) Prior to a museum (1)

81 accepting donated property pursuant to section 2 of this act, or (2)
82 taking ownership of abandoned property pursuant to section 3 of this
83 act, the museum shall provide notice that the museum may become the
84 owner of such property. Such notice shall be sent by certified mail,
85 return receipt requested, to the address of the lender on record with
86 the museum.

87 (b) If the museum does not have an address on record for the lender
88 of the property, or the museum does not receive written proof of
89 receipt of the mailed notice after thirty days after the date such notice
90 was mailed, the museum shall publish a notice, at least once each week
91 for two consecutive weeks, in a newspaper of general circulation in the
92 town in which the museum is located and the town of the lender on
93 record with the museum, if available. Such published notice shall
94 contain: (1) A brief and general description of the unclaimed property,
95 (2) the name and address of the lender on record with the museum, (3)
96 a request that all persons who may have any knowledge of the
97 whereabouts of the lender provide written notice to the museum, and
98 (4) a statement that if no claim of ownership is made or action to
99 recover such property is filed on or before sixty days after publication
100 of the second notice, the property shall be deemed donated or
101 abandoned and shall become the property of the museum.

102 (c) For purposes of this section, if the loan of property was made to
103 a branch of a museum, the museum shall be considered to be located
104 in the town in which such branch is located. Otherwise the museum is
105 located in the town in which it has its principal place of business.

106 Sec. 6. (NEW) (*Effective October 1, 2012*) (a) If a museum receives a
107 written claim of ownership for any property for which notice of
108 donation or abandonment was made, pursuant to section 5 of this act,
109 from the lender, or the designated agent of the lender, the museum
110 shall return such property to the lender or carry out the disposition of
111 such property as the lender requests not later than sixty days after
112 receipt of such written claim of ownership. The lender shall advise the
113 museum in writing as to the disposition of such property or how such

114 property is to be returned to the lender. Any costs incurred as a result
115 of returning such property or the disposition of such property shall be
116 the responsibility of the lender unless the lender and the museum have
117 mutually agreed to alternate arrangements.

118 (b) If a museum receives a written claim of ownership for any
119 property for which notice of donation or abandonment was made,
120 pursuant to section 5 of this act, from a person other than the lender on
121 record with the museum, the museum shall, not later than sixty days
122 after receipt of such written claim of ownership, determine if such
123 ownership claim is valid. A claimant shall submit proof of ownership
124 to the museum with such written claim of ownership. If more than one
125 person submits a written claim of ownership, the museum may delay
126 its determination of ownership until the competing claims are resolved
127 by agreement or legal action. If the museum determines that such
128 written claim of ownership is valid or if the competing claims are
129 resolved by agreement or judicial action, the museum shall return the
130 property to the claimant submitting the valid claim of ownership or
131 dispose of the property as such valid claimant requests. Any costs
132 incurred as a result of returning such property or the disposition of
133 such property shall be the responsibility of the valid claimant unless
134 such valid claimant and the museum have mutually agreed to
135 alternate arrangements.

136 (c) If no written claim of ownership is presented to the museum on
137 or before sixty days after the publication of the second notice, such
138 property shall be deemed donated or abandoned and title to the
139 property shall vest in the museum, free of all claims from the lender or
140 other persons claiming title under the lender.

141 (d) Any person who purchases or otherwise acquires property from
142 a museum that obtained such property by donation or abandonment
143 pursuant to this section and sections 2 and 3 of this act shall acquire
144 good title to such property.

145 Sec. 7. (NEW) (*Effective October 1, 2012*) (a) A museum may apply

146 conservation or protective measures to any property on loan to the
147 museum without the permission of the lender or formal notice to the
148 lender, unless the written loan agreement for such property provides
149 otherwise, if (1) action is required to (A) protect such property or other
150 property in the possession of the museum, or (B) protect the health and
151 safety of the public or museum staff because such property is a hazard,
152 and (2) (A) the museum is unable to contact the lender at the address
153 on record for the lender within three days before the time the museum
154 determines action is necessary, or (B) the lender does not (i) respond or
155 agree to the conservation or protective measures recommended by the
156 museum, and (ii) terminate the loan and take possession of such
157 property on or before the third day that the museum contacts such
158 lender.

159 (b) If a museum applies conservation or protective measures to any
160 property on loan to the museum under this section, or with the
161 agreement of the lender, unless the written loan agreement for such
162 property provides otherwise, the museum shall acquire a lien on such
163 property in an amount equal to the costs incurred by the museum for
164 such conservation or protective measures taken.

165 (c) The museum shall not be liable for injury to or loss of any
166 property that was on loan to the museum and for which conservation
167 or protective measures were taken under this section, if the museum
168 (1) had a reasonable belief at the time the conservation or protective
169 measures were taken that such measures were necessary to protect
170 such property or other property in the possession of the museum, or
171 that such property was a hazard to the health and safety of the public
172 or museum staff, and (2) exercised reasonable care in the choice and
173 application of such conservation and protective measures.

174 Sec. 8. (NEW) (*Effective October 1, 2012*) The provisions of sections 1
175 to 10, inclusive, of this act shall not apply to any property in the
176 possession of a museum pursuant to the Native American Graves
177 Protection and Repatriation Act, P.L. 101-601.

178 Sec. 9. (NEW) (*Effective October 1, 2012*) (a) Nothing in sections 1 to
 179 10, inclusive, of this act shall be construed to abrogate the rights and
 180 obligations of a lender, claimant or museum identified in a written
 181 loan agreement.

182 (b) The provisions of sections 1 to 10, inclusive, of this act shall not
 183 preclude a museum from availing itself of any other means of
 184 establishing or perfecting title to property in the possession of the
 185 museum.

186 (c) A museum shall be entitled to bring a civil action to recover the
 187 costs and expenses and reasonable attorney's fees incurred while
 188 successfully defending an action from a party challenging the
 189 ownership right of such museum to any property acquired by such
 190 museum pursuant to sections 2, 3 and 6 of this act.

191 Sec. 10. (NEW) (*Effective October 1, 2012*) The State Librarian shall
 192 adopt regulations, in accordance with the provisions of chapter 54 of
 193 the general statutes, to (1) prescribe the form of written notification to
 194 persons loaning property pursuant to section 2 of this act, and (2) the
 195 procedures for recording and maintaining records of property on loan
 196 to a museum pursuant to section 4 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>October 1, 2012</i>	New section
Sec. 3	<i>October 1, 2012</i>	New section
Sec. 4	<i>October 1, 2012</i>	New section
Sec. 5	<i>October 1, 2012</i>	New section
Sec. 6	<i>October 1, 2012</i>	New section
Sec. 7	<i>October 1, 2012</i>	New section
Sec. 8	<i>October 1, 2012</i>	New section
Sec. 9	<i>October 1, 2012</i>	New section
Sec. 10	<i>October 1, 2012</i>	New section

ED *Joint Favorable*

JUD *Joint Favorable*