

# The Vermont Statutes Online

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## Title 27: Property

### Chapter 12: Museum Property

#### § 1151. Definitions

As used in this chapter:

(1) “Lender” means a person whose name appears on the records of a museum as the person legally entitled to, or claiming to be legally entitled to, property held by the museum or, if such person is deceased, the legal heirs of such person.

(2) “Loan” means a deposit of property not accompanied by a transfer of title to the property.

(3) “Museum” means an institution operated by a nonprofit corporation or a public agency primarily for educational, scientific, historic preservation, or aesthetic purposes, and the institution owns, cares for, exhibits, studies, collects, archives, or catalogues property. “Museum” also includes historical societies, parks, monuments, and libraries.

(4) “Property” means a tangible object, animate or inanimate, that has intrinsic, historic, artistic, scientific, or cultural value, and the object is under the care of a museum. (Added 2007, No. 127 (Adj. Sess.), § 1.)

#### § 1152. Property held without a loan agreement

Any property held by a museum that is not subject to a loan agreement and has been held for 10 or more years and has remained unclaimed shall be deemed to be abandoned. The property shall become the property of the museum, provided the museum has given notice pursuant to section 1154 of this title and no assertion of title has been filed for the property within 180 days from the date of the third published notice. (Added 2007, No. 127 (Adj. Sess.), § 1.)

#### § 1153. Property held pursuant to a loan agreement

(a) Property in the possession of a museum subject to a loan agreement shall be deemed to be donated to the museum, provided:

(1) No claim is made or action filed to recover the property after termination of the loan.

(2) The museum provided notice as required pursuant to section 1154 of this title.

(3) No assertion of title has been filed within 180 days following the date of the third published notice.

(b) A museum may terminate a loan of property if the loan was for an indefinite term and the property has been held by the museum for 10 years or more by providing notice pursuant to section 1154 of this title. For the purposes of this chapter, property on permanent loan shall be considered property loaned for an indefinite term.

(c) A museum may terminate a loan of property loaned for a specified term by providing notice pursuant to section 1154 of this title any time after the expiration of the specified term or earlier if permitted by the loan agreement.

(d) The owner of property on loan to a museum shall notify the museum promptly of any transfer of ownership or change in address of the owner.

(e) Prior to acceptance of a loan of property, a museum shall provide to the owner of the property written notice of the provisions of this chapter. (Added 2007, No. 127 (Adj. Sess.), § 1.)

#### **§ 1154. Notice requirements by museums for loaned property**

(a) A museum required to provide notice pursuant to this chapter shall mail by certified mail, return receipt requested, written notice to the last known owner at the most recent address. If the museum has no record of the owner's address or the museum has not received written proof of receipt of the mailed notice within 30 days after mailing, the museum shall publish at least one notice each month for three consecutive months in the principal newspaper of general circulation in each of the following:

(1) The county of the last known address of the owner, if known.

(2) The county in which the museum is located. For the purposes of this subdivision, if property is loaned to a branch of a museum, the museum shall be considered to be located in the county in which the branch is located, otherwise a museum shall be located in the county in which it has its principal place of business.

(b) The published notice shall contain all the following:

(1) The notice shall be entitled: "Notice of Abandonment."

(2) A clear description of the unclaimed property.

(3) The last known name and address of the owner.

(4) A request that any person who has any knowledge of the whereabouts of the owner provide written notice to the museum.

(5) The name and address of the museum.

(6) The name, address, and contact information of the person to be contacted regarding the property.

(7) A statement that if written assertion of title is not presented by the owner to the museum within 180 days after the date of the final published notice, the property shall be considered abandoned or donated and shall become the property of the museum.

(c) A copy of all notices required in this chapter relating to property in the form of identifiable works of art that changed hands in Europe between the years 1933 and 1945 shall be sent to The Art Loss Register or any successor organization having similar purposes on or before the date on which the notices are mailed or first published. (Added 2007, No. 127 (Adj. Sess.), § 1.)

#### **§ 1155. Provision of mission statement**

(a) Prior to the acquisition of property by gift, a museum, upon request, shall provide a donor or prospective donor with a written copy of its mission statement and collections policy, which shall include policies and procedures of the museum related to deaccessioning.

(b) If the museum has the knowledge of a planned bequest of any property prior to the death of the testator, the museum shall provide the testator with a written copy of its mission statement and collections policy, which shall include policies and procedures of the museum relating to deaccessioning.

(c) Any museum that routinely makes its mission statement and collections policy available on its website shall be deemed to have complied with this section. (Added 2007, No. 127 (Adj. Sess.), § 1.)

#### **§ 1156. Property vested in museums**

(a) If no written assertion of title has been presented by the owner to the museum within 180 days after the date of the third published notice, title to the property shall vest in the museum free of all claims of the owner and any other person claiming under the owner.

(b) A person who purchases or otherwise acquires property from a museum acquires good title to the property if the museum has acquired title to the property under this chapter. (Added 2007, No. 127 (Adj. Sess.), § 1.)

#### **§ 1157. Exemptions**

This chapter shall not apply to either of the following:

(1) Any property that changed hands by theft, seizure, confiscation, forced sale, or other involuntary means in Europe between 1933 and 1945.

(2) Any property reported as stolen in writing to a law enforcement officer, insurer, or The Art Loss Register, or any successor organization having similar purposes, notwithstanding any notice provided pursuant to section 1155 of this title. (Added 2007, No. 127 (Adj. Sess.), § 1.)

#### **§ 1158. Record of acquisition**

The museum shall maintain or continue to maintain to the extent such information is available a record of acquisition whether by purchase, bequest, gift, loan, or otherwise of property for display or collection and of deaccessioning or loan of property currently held or thereafter acquired for display or collection. (Added 2007, No. 127 (Adj. Sess.), § 1.)