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CHANGES TO INDIANA'S MUSEUM PROPERTY LAW

Jennifer Gallatin Rigsby, assistant registrar for collections
[Indianapolis Museum of Art](#)



working at his desk. W.H. Bass Photo Company Collection, Indiana Historical Society

Governor Samuel M. Ralston

Indiana's Museum Property Law ([IC 32-34-5](#)) helps museums and historical societies throughout the state gain clear title to expired loans, permanent loans, and abandoned or undocumented property found in their collections. Under the original law, museums were required to document holding abandoned property for seven years, in addition to publishing a public notice declaring intent to claim title followed by another three years of waiting if no one came forward. Such a lengthy process is a large task for any registrar or collections manager to keep track of, regardless of the size of your institution.

For many museums and historical societies where I have worked, it seemed that staff and volunteers were dedicating more time, funds and physical space to abandoned property than on objects in the collection that could really benefit from the extra attention. Kathryn Haigh, deputy director for Collections, Exhibitions, and Facilities, and myself worked to draft revisions and seek comments from the Association of Indiana Museums, the Indiana Historical Society and the Indiana State Museum that would change the law and shorten the timeframe for dealing with these objects. The resulting changes, which can be viewed [here](#), were approved by the legislature and signed by the Governor on March 23. The changes will be effective on July 1, 2016.



ONLINE RESOURCES

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[Senate Enrolled Act No.
45](#)
(Indiana General
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FROM OUR LENDING RESOURCE CENTER

A Legal Primer on
Managing Museum
Collections
(Marie C. Malaro)

Find the book listed
above by visiting the
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Revisions to Indiana's Museum Property Law will reduce the time that museum staff and volunteers must dedicate to abandoned property. Photo courtesy Jennifer Gallatin Rigsby

The changes to Indiana's Museum Property Law include additional language requiring the lender, or designated agent of the lender, to notify the museum in writing if their address changes while the property is in possession of the museum. If the loaned property changes ownership while it is in the possession of the museum, the new owner must provide written notice of the change in ownership and change in address. This provision is designed to keep the museum's records as up to date as possible.

Additional changes have been introduced for museums that wish to acquire title to permanent loans or loans made for a specified term that has expired. The museum must still give notice that it is terminating the loan, but the lender must respond to the notice of termination within **60 days**. If the lender does not respond to the notice in **60 days** clear title is transferred to the museum. A new addition to this section specifies that if the loan is not considered a permanent loan and does not have a specific end date, the property is considered abandoned if there has been no written communication between the lender and the museum for **seven years** after the date the museum took possession of the loan.

Perhaps my favorite change is the new timeline for acquiring clear title to undocumented objects found in the collection. The amount of time a museum must hold undocumented property has been shortened from **seven years** to **three years**. After the notice to claim clear title has been published, anyone who could claim ownership must contact the museum within **60 days**. If there is no response in writing claiming ownership within **60 days**, the museum can claim title to the objects.

With these new additions and changes to Indiana's Museum Property Law, it is important to read and become familiar with the law and its new provisions. As with any summary of legal matters by a non-attorney, the contents of this article shall not be construed to be qualified legal advice. Please consult with an attorney if legal guidance is preferred.

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