

Senate Bill 190

By: Senators Jones of the 10th, Hill of the 4th, Tate of the 38th, Sims of the 12th, Mullis of the 53rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, the
2 "Disposition of Unclaimed Property Act," so as to provide for the presumption of
3 abandonment of gift certificates, gift cards, and credit memos that remain unclaimed one year
4 after issuance; to provide for disposition of funds; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 5 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, the
9 "Disposition of Unclaimed Property Act," is amended in Code Section 44-12-192, relating
10 to definitions relative to the disposition of property, by revising paragraph (10) as follows:

11 "(10) 'Intangible property' means and includes:

12 (A) Moneys, checks, drafts, deposits, interest, dividends, and income;

13 (B) Credit balances, customer overpayments, gift cards, gift certificates, security
14 deposits, refunds, credit memos, unpaid wages, and unidentified remittances;

15 (C) Stocks and other intangible ownership interests in business associations;

16 (D) Moneys deposited to redeem stocks, bonds, coupons, and other securities or to
17 make distributions;

18 (E) Amounts due and payable under the terms of insurance policies; and

19 (F) Amounts distributable from a trust or custodial fund established under a plan to
20 provide health, welfare, pension, vacation, severance, retirement, death, stock purchase,
21 profit sharing, employee savings, supplemental unemployment insurance, or similar
22 benefits."

23 **SECTION 2.**

24 Said article is further amended by revising Code Section 44-12-205, relating to presumption
25 of abandonment of gift certificates or credit memos, as follows:

26 "44-12-205.

27 (a) A gift card, gift certificate, or a credit memo issued in the ordinary course of an issuer's
 28 business which remains unclaimed by the owner for more than five years one year after any
 29 partial redemption or, if never redeemed in part, one year after becoming payable, or
 30 distributable is presumed abandoned.

31 (b) In the case of a gift card or gift certificate, the amount presumed abandoned is the price
 32 paid by the purchaser for the remaining balance on such gift card or gift certificate. In the
 33 case of a credit memo, the amount presumed abandoned is the amount credited to the
 34 recipient of the memo, less any amount previously redeemed."

35 SECTION 3.

36 Said article is further amended by revising Code Section 44-12-218, relating to disposition
 37 of funds received under Article 5, as follows:

38 "44-12-218.

39 (a) All funds received under this article, including the proceeds from the sale of abandoned
 40 property under Code Section 44-12-217, shall forthwith be deposited by the commissioner
 41 in the general fund, except that the commissioner shall retain in a separate trust fund a sum
 42 sufficient from which he or she shall make prompt payment of claims duly allowed by him
 43 or her as provided in Code Section 44-12-220. Before making a deposit he or she shall
 44 record the name and last known address of each person appearing from the holders' reports
 45 to be entitled to the abandoned property and of the name and last known address of each
 46 insured person or annuitant, and; with respect to each policy or contract listed in the report
 47 of an insurance corporation, its number, the name of the corporation, and the amount due.

48 (b) Notwithstanding the provisions of subsection (a) of this Code section, all property
 49 presumed abandoned pursuant to Code Section 44-12-205 and received by the
 50 commissioner under this article shall be deposited in the general fund of this state with the
 51 intent that these moneys be used to fund a trauma care system in Georgia and the direct and
 52 indirect costs associated with the administration of this Code section. The Office of the
 53 State Treasurer shall separately account for all of the moneys received under the provisions
 54 of this Code section.

55 (c) Before making any deposit to the credit of the general fund the commissioner may
 56 deduct:

- 57 (1) Any costs in connection with sale of abandoned property;
- 58 (2) Any costs of mailing and publication in connection with any abandoned property;
- 59 (3) Operating expenses;
- 60 (4) Amounts required to make payments to other states, during the next fiscal year,
- 61 through reciprocity agreements; and
- 62 (5) Expenses for consulting services."

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SECTION 4.

64 All laws and parts of laws in conflict with this Act are repealed.