



Reprinted
February 23, 2021

SENATE BILL No. 188

DIGEST OF SB 188 (Updated February 22, 2021 2:59 pm - DI 137)

Citations Affected: IC 4-6; IC 4-12; IC 5-11; IC 5-14; IC 5-22; IC 6-8.1; IC 10-11; IC 23-1; IC 23-17; IC 24-13; IC 25-30; IC 26-3; IC 27-2; IC 28-1; IC 30-2; IC 32-33; IC 32-34; IC 34-30; IC 35-52; IC 36-9.

Synopsis: Revised Uniform Unclaimed Property Act. Repeals the unclaimed property act and replaces it with the revised unclaimed property act. Makes conforming amendments.

Effective: July 1, 2021.

Koch, Brown L, Randolph Lonnie M

January 5, 2021, read first time and referred to Committee on Judiciary.
February 18, 2021, amended, reported favorably — Do Pass.
February 22, 2021, read second time, amended, ordered engrossed.

SB 188—LS 6494/DI 137



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First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 188

A BILL FOR AN ACT to amend the Indiana Code concerning property and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-6-3-3, AS AMENDED BY P.L.137-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 3. If the attorney general has reasonable cause to
4 believe that a person may be in possession, custody, or control of
5 documentary material, or may have knowledge of a fact that is relevant
6 to an investigation conducted to determine if a person is or has been
7 engaged in a violation of IC 4-6-9, IC 4-6-10, IC 13-14-10,
8 IC 13-14-12, IC 13-24-2, IC 13-30-4, IC 13-30-5, IC 13-30-8,
9 IC 23-7-8, IC 24-1-2, IC 24-5-0.5, IC 24-5-7, IC 24-5-8, IC 24-9,
10 IC 25-1-7, ~~IC 32-34-1~~, **IC 32-34-1.5**, or any other statute enforced by
11 the attorney general or is or has been engaged in a criminal violation
12 of IC 13, only the attorney general may issue in writing, and cause to
13 be served upon the person or the person's representative or agent, an
14 investigative demand that requires that the person served do any
15 combination of the following:
16 (1) Produce the documentary material for inspection and copying
17 or reproduction.

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- 1 (2) Answer under oath and in writing written interrogatories.
 2 (3) Appear and testify under oath before the attorney general or
 3 the attorney general's duly authorized representative.
 4 SECTION 2. IC 4-12-16-3, AS AMENDED BY P.L.201-2018,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 3. (a) The fund consists of:
 7 (1) except as provided in subsections (b) and (c), all funds
 8 received by the state under:
 9 (A) multistate and Indiana specific settlements;
 10 (B) assurances of voluntary compliance accepted by the
 11 attorney general; and
 12 (C) any other form of agreement that:
 13 (i) is enforceable by a court; and
 14 (ii) settles litigation between the state and another party; and
 15 (2) all money recovered as court costs or costs related to
 16 litigation.
 17 (b) Any amount of restitution that is:
 18 (1) awarded to an individual or institution under a settlement or
 19 assurance of voluntary compliance;
 20 (2) unclaimed by an individual or institution;
 21 (3) received by a state agency; and
 22 (4) determined to be abandoned property under ~~IC 32-34-1;~~
 23 **IC 32-34-1.5;**
 24 must be deposited in the abandoned property fund ~~established by~~
 25 ~~IC 32-34-1-33.~~ **under IC 32-34-1.5-44.**
 26 (c) The fund does not include the following:
 27 (1) Funds received by the state department of revenue.
 28 (2) Funds required to be deposited in the securities division
 29 enforcement account (IC 23-19-6-1).
 30 (3) Funds received as the result of a civil forfeiture under
 31 IC 34-24-1.
 32 (4) Funds received as a civil penalty or as part of an enforcement
 33 or collection action by an agency authorized to impose a civil
 34 penalty or engage in an enforcement or collection action, if the
 35 funds are required to be deposited in the general fund or another
 36 fund by statute.
 37 (5) Funds recovered by the Medicaid fraud control unit in actions
 38 to recover money inappropriately paid out of or obtained from the
 39 state Medicaid program.
 40 (6) Amounts required to be paid as consumer restitution or
 41 refunds in settlements specified in this chapter.
 42 (7) Amounts received under the Master Settlement Agreement (as



1 defined in IC 24-3-3-6).
 2 SECTION 3. IC 5-11-10.5-7 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) This section
 4 applies to a warrant or a check drawn from the public funds of a
 5 political subdivision, if the check or warrant is outstanding and unpaid,
 6 but is not determined to be unclaimed property under ~~IC 32-34-1.~~
 7 **IC 32-34-1.5.**

8 (b) An agreement for which the primary purpose is to pay
 9 compensation to locate, deliver, recover, or assist in the recovery of a
 10 check or warrant described in subsection (a) is valid only if:

- 11 (1) the fee or compensation agreed upon is not more than ten
 12 percent (10%) of the amount collected unless the amount
 13 collected is fifty dollars (\$50) or less;
 14 (2) the agreement is in writing;
 15 (3) the agreement is signed by the apparent owner; and
 16 (4) the agreement clearly sets forth:
 17 (A) the nature and value of the property; and
 18 (B) the value of the apparent owner's share after the fee or
 19 compensation has been deducted.

20 (c) This section does not prevent an owner from asserting at any
 21 time that an agreement to locate property is otherwise invalid.

22 SECTION 4. IC 5-14-3-4, AS AMENDED BY P.L.64-2020,
 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2021]: Sec. 4. (a) The following public records are excepted
 25 from section 3 of this chapter and may not be disclosed by a public
 26 agency, unless access to the records is specifically required by a state
 27 or federal statute or is ordered by a court under the rules of discovery:

- 28 (1) Those declared confidential by state statute.
 29 (2) Those declared confidential by rule adopted by a public
 30 agency under specific authority to classify public records as
 31 confidential granted to the public agency by statute.
 32 (3) Those required to be kept confidential by federal law.
 33 (4) Records containing trade secrets.
 34 (5) Confidential financial information obtained, upon request,
 35 from a person. However, this does not include information that is
 36 filed with or received by a public agency pursuant to state statute.
 37 (6) Information concerning research, including actual research
 38 documents, conducted under the auspices of a state educational
 39 institution, including information:
 40 (A) concerning any negotiations made with respect to the
 41 research; and
 42 (B) received from another party involved in the research.



- 1 (7) Grade transcripts and license examination scores obtained as
 2 part of a licensure process.
- 3 (8) Those declared confidential by or under rules adopted by the
 4 supreme court of Indiana.
- 5 (9) Patient medical records and charts created by a provider,
 6 unless the patient gives written consent under IC 16-39 or as
 7 provided under IC 16-41-8.
- 8 (10) Application information declared confidential by the Indiana
 9 economic development corporation under IC 5-28-16.
- 10 (11) A photograph, a video recording, or an audio recording of an
 11 autopsy, except as provided in IC 36-2-14-10.
- 12 (12) A Social Security number contained in the records of a
 13 public agency.
- 14 (13) The following information that is part of a foreclosure action
 15 subject to IC 32-30-10.5:
- 16 (A) Contact information for a debtor, as described in
 17 IC 32-30-10.5-8(d)(1)(B).
- 18 (B) Any document submitted to the court as part of the debtor's
 19 loss mitigation package under IC 32-30-10.5-10(a)(3).
- 20 (14) The following information obtained from a call made to a
 21 fraud hotline established under IC 36-1-8-8.5:
- 22 (A) The identity of any individual who makes a call to the
 23 fraud hotline.
- 24 (B) A report, transcript, audio recording, or other information
 25 concerning a call to the fraud hotline.
- 26 However, records described in this subdivision may be disclosed
 27 to a law enforcement agency, a private university police
 28 department, the attorney general, the inspector general, the state
 29 examiner, or a prosecuting attorney.
- 30 (b) Except as otherwise provided by subsection (a), the following
 31 public records shall be excepted from section 3 of this chapter at the
 32 discretion of a public agency:
- 33 (1) Investigatory records of law enforcement agencies or private
 34 university police departments. For purposes of this chapter, a law
 35 enforcement recording is not an investigatory record. Law
 36 enforcement agencies or private university police departments
 37 may share investigatory records with a:
- 38 (A) person who advocates on behalf of a crime victim,
 39 including a victim advocate (as defined in IC 35-37-6-3.5) or
 40 a victim service provider (as defined in IC 35-37-6-5), for the
 41 purposes of providing services to a victim or describing
 42 services that may be available to a victim; and



- 1 (B) school corporation (as defined by IC 20-18-2-16(a)),
 2 charter school (as defined by IC 20-24-1-4), or nonpublic
 3 school (as defined by IC 20-18-2-12) for the purpose of
 4 enhancing the safety or security of a student or a school
 5 facility;
 6 without the law enforcement agency or private university police
 7 department losing its discretion to keep those records confidential
 8 from other records requesters. However, certain law enforcement
 9 records must be made available for inspection and copying as
 10 provided in section 5 of this chapter.
- 11 (2) The work product of an attorney representing, pursuant to
 12 state employment or an appointment by a public agency:
- 13 (A) a public agency;
 14 (B) the state; or
 15 (C) an individual.
- 16 (3) Test questions, scoring keys, and other examination data used
 17 in administering a licensing examination, examination for
 18 employment, or academic examination before the examination is
 19 given or if it is to be given again.
- 20 (4) Scores of tests if the person is identified by name and has not
 21 consented to the release of the person's scores.
- 22 (5) The following:
- 23 (A) Records relating to negotiations between:
- 24 (i) the Indiana economic development corporation;
 25 (ii) the ports of Indiana;
 26 (iii) the Indiana state department of agriculture;
 27 (iv) the Indiana finance authority;
 28 (v) an economic development commission;
 29 (vi) a local economic development organization that is a
 30 nonprofit corporation established under state law whose
 31 primary purpose is the promotion of industrial or business
 32 development in Indiana, the retention or expansion of
 33 Indiana businesses, or the development of entrepreneurial
 34 activities in Indiana; or
 35 (vii) a governing body of a political subdivision;
 36 with industrial, research, or commercial prospects, if the
 37 records are created while negotiations are in progress.
 38 However, this clause does not apply to records regarding
 39 research that is prohibited under IC 16-34.5-1-2 or any other
 40 law.
- 41 (B) Notwithstanding clause (A), the terms of the final offer of
 42 public financial resources communicated by the Indiana



- 1 economic development corporation, the ports of Indiana, the
 2 Indiana finance authority, an economic development
 3 commission, or a governing body of a political subdivision to
 4 an industrial, a research, or a commercial prospect shall be
 5 available for inspection and copying under section 3 of this
 6 chapter after negotiations with that prospect have terminated.
 7 (C) When disclosing a final offer under clause (B), the Indiana
 8 economic development corporation shall certify that the
 9 information being disclosed accurately and completely
 10 represents the terms of the final offer.
 11 (D) Notwithstanding clause (A), an incentive agreement with
 12 an incentive recipient shall be available for inspection and
 13 copying under section 3 of this chapter after the date the
 14 incentive recipient and the Indiana economic development
 15 corporation execute the incentive agreement regardless of
 16 whether negotiations are in progress with the recipient after
 17 that date regarding a modification or extension of the incentive
 18 agreement.
- 19 (6) Records that are intra-agency or interagency advisory or
 20 deliberative material, including material developed by a private
 21 contractor under a contract with a public agency, that are
 22 expressions of opinion or are of a speculative nature, and that are
 23 communicated for the purpose of decision making.
- 24 (7) Diaries, journals, or other personal notes serving as the
 25 functional equivalent of a diary or journal.
- 26 (8) Personnel files of public employees and files of applicants for
 27 public employment, except for:
- 28 (A) the name, compensation, job title, business address,
 29 business telephone number, job description, education and
 30 training background, previous work experience, or dates of
 31 first and last employment of present or former officers or
 32 employees of the agency;
- 33 (B) information relating to the status of any formal charges
 34 against the employee; and
- 35 (C) the factual basis for a disciplinary action in which final
 36 action has been taken and that resulted in the employee being
 37 suspended, demoted, or discharged.
- 38 However, all personnel file information shall be made available
 39 to the affected employee or the employee's representative. This
 40 subdivision does not apply to disclosure of personnel information
 41 generally on all employees or for groups of employees without the
 42 request being particularized by employee name.



- 1 (9) Minutes or records of hospital medical staff meetings.
 2 (10) Administrative or technical information that would
 3 jeopardize a record keeping system, voting system, voter
 4 registration system, or security system.
 5 (11) Computer programs, computer codes, computer filing
 6 systems, and other software that are owned by the public agency
 7 or entrusted to it and portions of electronic maps entrusted to a
 8 public agency by a utility.
 9 (12) Records specifically prepared for discussion or developed
 10 during discussion in an executive session under IC 5-14-1.5-6.1.
 11 However, this subdivision does not apply to that information
 12 required to be available for inspection and copying under
 13 subdivision (8).
 14 (13) The work product of the legislative services agency under
 15 personnel rules approved by the legislative council.
 16 (14) The work product of individual members and the partisan
 17 staffs of the general assembly.
 18 (15) The identity of a donor of a gift made to a public agency if:
 19 (A) the donor requires nondisclosure of the donor's identity as
 20 a condition of making the gift; or
 21 (B) after the gift is made, the donor or a member of the donor's
 22 family requests nondisclosure.
 23 (16) Library or archival records:
 24 (A) which can be used to identify any library patron; or
 25 (B) deposited with or acquired by a library upon a condition
 26 that the records be disclosed only:
 27 (i) to qualified researchers;
 28 (ii) after the passing of a period of years that is specified in
 29 the documents under which the deposit or acquisition is
 30 made; or
 31 (iii) after the death of persons specified at the time of the
 32 acquisition or deposit.
 33 However, nothing in this subdivision shall limit or affect contracts
 34 entered into by the Indiana state library pursuant to IC 4-1-6-8.
 35 (17) The identity of any person who contacts the bureau of motor
 36 vehicles concerning the ability of a driver to operate a motor
 37 vehicle safely and the medical records and evaluations made by
 38 the bureau of motor vehicles staff or members of the driver
 39 licensing medical advisory board regarding the ability of a driver
 40 to operate a motor vehicle safely. However, upon written request
 41 to the commissioner of the bureau of motor vehicles, the driver
 42 must be given copies of the driver's medical records and



- 1 evaluations.
- 2 (18) School safety and security measures, plans, and systems,
3 including emergency preparedness plans developed under 511
4 IAC 6.1-2-2.5.
- 5 (19) A record or a part of a record, the public disclosure of which
6 would have a reasonable likelihood of threatening public safety
7 by exposing a vulnerability to terrorist attack. A record described
8 under this subdivision includes the following:
- 9 (A) A record assembled, prepared, or maintained to prevent,
10 mitigate, or respond to an act of terrorism under IC 35-47-12-1
11 (before its repeal), an act of agricultural terrorism under
12 IC 35-47-12-2 (before its repeal), or a felony terrorist offense
13 (as defined in IC 35-50-2-18).
- 14 (B) Vulnerability assessments.
- 15 (C) Risk planning documents.
- 16 (D) Needs assessments.
- 17 (E) Threat assessments.
- 18 (F) Intelligence assessments.
- 19 (G) Domestic preparedness strategies.
- 20 (H) The location of community drinking water wells and
21 surface water intakes.
- 22 (I) The emergency contact information of emergency
23 responders and volunteers.
- 24 (J) Infrastructure records that disclose the configuration of
25 critical systems such as voting system and voter registration
26 system critical infrastructure, and communication, electrical,
27 ventilation, water, and wastewater systems.
- 28 (K) Detailed drawings or specifications of structural elements,
29 floor plans, and operating, utility, or security systems, whether
30 in paper or electronic form, of any building or facility located
31 on an airport (as defined in IC 8-21-1-1) that is owned,
32 occupied, leased, or maintained by a public agency, or any part
33 of a law enforcement recording that captures information
34 about airport security procedures, areas, or systems. A record
35 described in this clause may not be released for public
36 inspection by any public agency without the prior approval of
37 the public agency that owns, occupies, leases, or maintains the
38 airport. Both of the following apply to the public agency that
39 owns, occupies, leases, or maintains the airport:
- 40 (i) The public agency is responsible for determining whether
41 the public disclosure of a record or a part of a record,
42 including a law enforcement recording, has a reasonable



- 1 likelihood of threatening public safety by exposing a
 2 security procedure, area, system, or vulnerability to terrorist
 3 attack.
- 4 (ii) The public agency must identify a record described
 5 under item (i) and clearly mark the record as "confidential
 6 and not subject to public disclosure under
 7 IC 5-14-3-4(b)(19)(J) without approval of (insert name of
 8 submitting public agency)". However, in the case of a law
 9 enforcement recording, the public agency must clearly mark
 10 the record as "confidential and not subject to public
 11 disclosure under IC 5-14-3-4(b)(19)(K) without approval of
 12 (insert name of the public agency that owns, occupies,
 13 leases, or maintains the airport)".
- 14 (L) The home address, home telephone number, and
 15 emergency contact information for any:
- 16 (i) emergency management worker (as defined in
 17 IC 10-14-3-3);
- 18 (ii) public safety officer (as defined in IC 35-47-4.5-3);
- 19 (iii) emergency medical responder (as defined in
 20 IC 16-18-2-109.8); or
- 21 (iv) advanced emergency medical technician (as defined in
 22 IC 16-18-2-6.5).
- 23 This subdivision does not apply to a record or portion of a record
 24 pertaining to a location or structure owned or protected by a
 25 public agency in the event that an act of terrorism under
 26 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism
 27 under IC 35-47-12-2 (before its repeal), or a felony terrorist
 28 offense (as defined in IC 35-50-2-18) has occurred at that location
 29 or structure, unless release of the record or portion of the record
 30 would have a reasonable likelihood of threatening public safety
 31 by exposing a vulnerability of other locations or structures to
 32 terrorist attack.
- 33 (20) The following personal information concerning a customer
 34 of a municipally owned utility (as defined in IC 8-1-2-1):
- 35 (A) Telephone number.
- 36 (B) Address.
- 37 (C) Social Security number.
- 38 (21) The following personal information about a complainant
 39 contained in records of a law enforcement agency:
- 40 (A) Telephone number.
- 41 (B) The complainant's address. However, if the complainant's
 42 address is the location of the suspected crime, infraction,



1 accident, or complaint reported, the address shall be made
 2 available for public inspection and copying.
 3 (22) Notwithstanding subdivision (8)(A), the name,
 4 compensation, job title, business address, business telephone
 5 number, job description, education and training background,
 6 previous work experience, or dates of first employment of a law
 7 enforcement officer who is operating in an undercover capacity.
 8 (23) Records requested by an offender, an agent, or a relative of
 9 an offender that:
 10 (A) contain personal information relating to:
 11 (i) a correctional officer (as defined in IC 5-10-10-1.5);
 12 (ii) a probation officer;
 13 (iii) a community corrections officer;
 14 (iv) a law enforcement officer (as defined in
 15 IC 35-31.5-2-185);
 16 (v) a judge (as defined in IC 33-38-12-3);
 17 (vi) the victim of a crime; or
 18 (vii) a family member of a correctional officer, probation
 19 officer, community corrections officer, law enforcement
 20 officer (as defined in IC 35-31.5-2-185), judge (as defined
 21 in IC 33-38-12-3), or victim of a crime; or
 22 (B) concern or could affect the security of a jail or correctional
 23 facility.
 24 For purposes of this subdivision, "agent" means a person who is
 25 authorized by an offender to act on behalf of, or at the direction
 26 of, the offender, and "relative" has the meaning set forth in
 27 IC 35-42-2-1(b). However, the term "agent" does not include an
 28 attorney in good standing admitted to the practice of law in
 29 Indiana.
 30 (24) Information concerning an individual less than eighteen (18)
 31 years of age who participates in a conference, meeting, program,
 32 or activity conducted or supervised by a state educational
 33 institution, including the following information regarding the
 34 individual or the individual's parent or guardian:
 35 (A) Name.
 36 (B) Address.
 37 (C) Telephone number.
 38 (D) Electronic mail account address.
 39 (25) Criminal intelligence information.
 40 (26) The following information contained in a report of unclaimed
 41 property under ~~IC 32-34-1-26~~ **IC 32-34-1.5-20** or in a claim for
 42 unclaimed property under ~~IC 32-34-1-36~~ **IC 32-34-1.5-50**:



- 1 (A) Date of birth.
- 2 (B) Driver's license number.
- 3 (C) Taxpayer identification number.
- 4 (D) Employer identification number.
- 5 (E) Account number.
- 6 (27) Except as provided in subdivision (19) and sections 5.1 and
- 7 5.2 of this chapter, a law enforcement recording. However, before
- 8 disclosing the recording, the public agency must comply with the
- 9 obscuring requirements of sections 5.1 and 5.2 of this chapter, if
- 10 applicable.
- 11 (28) Records relating to negotiations between a state educational
- 12 institution and another entity concerning the establishment of a
- 13 collaborative relationship or venture to advance the research,
- 14 engagement, or educational mission of the state educational
- 15 institution, if the records are created while negotiations are in
- 16 progress. The terms of the final offer of public financial resources
- 17 communicated by the state educational institution to an industrial,
- 18 a research, or a commercial prospect shall be available for
- 19 inspection and copying under section 3 of this chapter after
- 20 negotiations with that prospect have terminated. However, this
- 21 subdivision does not apply to records regarding research
- 22 prohibited under IC 16-34.5-1-2 or any other law.
- 23 (c) Nothing contained in subsection (b) shall limit or affect the right
- 24 of a person to inspect and copy a public record required or directed to
- 25 be made by any statute or by any rule of a public agency.
- 26 (d) Notwithstanding any other law, a public record that is classified
- 27 as confidential, other than a record concerning an adoption or patient
- 28 medical records, shall be made available for inspection and copying
- 29 seventy-five (75) years after the creation of that record.
- 30 (e) Only the content of a public record may form the basis for the
- 31 adoption by any public agency of a rule or procedure creating an
- 32 exception from disclosure under this section.
- 33 (f) Except as provided by law, a public agency may not adopt a rule
- 34 or procedure that creates an exception from disclosure under this
- 35 section based upon whether a public record is stored or accessed using
- 36 paper, electronic media, magnetic media, optical media, or other
- 37 information storage technology.
- 38 (g) Except as provided by law, a public agency may not adopt a rule
- 39 or procedure nor impose any costs or liabilities that impede or restrict
- 40 the reproduction or dissemination of any public record.
- 41 (h) Notwithstanding subsection (d) and section 7 of this chapter:
- 42 (1) public records subject to IC 5-15 may be destroyed only in



1 accordance with record retention schedules under IC 5-15; or
 2 (2) public records not subject to IC 5-15 may be destroyed in the
 3 ordinary course of business.

4 SECTION 5. IC 5-22-21-1, AS AMENDED BY P.L.182-2009(ss),
 5 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 1. (a) This chapter applies only to personal
 7 property owned by a governmental body that is a state agency.

8 (b) This chapter does not apply to the following:

9 (1) The sale of timber by the department of natural resources
 10 under IC 14-23-4.

11 (2) The satisfaction of a lien or judgment by a state agency under
 12 court proceedings.

13 (3) The disposition of unclaimed property under ~~IC 32-34-1.~~
 14 **IC 32-34-1.5.**

15 (4) The sale or harvesting of vegetation (as defined in
 16 IC 8-23-24.5-3) under IC 8-23-24.5.

17 (5) The sale or harvesting of vegetation (as defined in
 18 IC 4-20.5-22-4) under IC 4-20.5-22.

19 SECTION 6. IC 6-8.1-8-15, AS ADDED BY P.L.111-2006,
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2021]: Sec. 15. (a) As used in this section, "apparent owner"
 22 has the meaning set forth in ~~IC 32-34-1-4.~~ **IC 32-34-1.5-3(1).**

23 (b) As used in this section, "unclaimed property" ~~has the meaning~~
 24 ~~set forth in IC 32-34-1-21.~~ **means property presumed abandoned**
 25 **under IC 32-34-1.5.**

26 (c) If an apparent owner of unclaimed property is subject to a tax
 27 warrant issued under IC 6-8.1-8-2, the department may levy on the
 28 unclaimed property by filing a claim with the attorney general in
 29 accordance with the procedures described in ~~IC 32-34-1-36.~~
 30 **IC 32-34-1.5-50.**

31 SECTION 7. IC 10-11-5-3 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Except as
 33 provided in subsection (c), if:

34 (1) the money, goods, or other property remains unclaimed in the
 35 possession or control of the employee to whom it was delivered
 36 for six (6) months; and

37 (2) the location of the owner is unknown;

38 the goods or other property shall be sold at public auction.

39 (b) Notice of the sale must be published one (1) time each week for
 40 two (2) consecutive weeks in a newspaper of general circulation
 41 printed in the community in which the sale is to be held. The notice
 42 must include the following information:



- 1 (1) The time and place of the sale.
- 2 (2) A description of the property to be sold.
- 3 (c) Any property that:
- 4 (1) is perishable;
- 5 (2) will deteriorate greatly in value by keeping; or
- 6 (3) the expense of keeping will be likely to exceed the value of the
- 7 property;
- 8 may be sold at public auction in accordance with the rules or orders of
- 9 the superintendent. If the nature of the property requires an immediate
- 10 sale, the superintendent may waive the six (6) month period of custody
- 11 and the notice of sale provided in this section.
- 12 (d) The proceeds of a sale, after deducting all reasonable charges
- 13 and expenses incurred in relation to the property, and all money shall
- 14 be presumed abandoned and shall be delivered to the attorney general
- 15 for deposit into the abandoned property fund for disposition as
- 16 provided by ~~IC 32-34-1-33~~ **IC 32-34-1.5-44** and ~~IC 32-34-1-34~~.
- 17 **IC 32-34-1.5-46.**
- 18 SECTION 8. IC 23-1-45-2 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A corporation's
- 20 board of directors may propose dissolution for submission to the
- 21 shareholders.
- 22 (b) For a proposal to dissolve to be adopted:
- 23 (1) the board of directors must recommend dissolution to the
- 24 shareholders unless the board of directors determines that because
- 25 of conflict of interest or other special circumstances it should
- 26 make no recommendation and communicates the basis for its
- 27 determination to the shareholders; and
- 28 (2) the shareholders entitled to vote must approve the proposal to
- 29 dissolve as provided in subsection (e).
- 30 (c) The board of directors may condition its submission of the
- 31 proposal for dissolution on any basis.
- 32 (d) The corporation shall notify each shareholder, whether or not
- 33 entitled to vote, of the proposed shareholders' meeting in accordance
- 34 with IC 23-1-29-5. The notice must also state that the purpose, or one
- 35 (1) of the purposes, of the meeting is to consider dissolving the
- 36 corporation.
- 37 (e) Unless the articles of incorporation or the board of directors
- 38 (acting under subsection (c)) require a greater vote or a vote by voting
- 39 groups, the proposal to dissolve to be adopted must be approved by a
- 40 majority of all the votes entitled to be cast on that proposal.
- 41 (f) After a proposal for dissolution is adopted, the corporation shall
- 42 give the notices required by IC 6-8.1-10-9 **and** IC 22-4-32-23. ~~and~~



1 ~~IC 32-34-1-25.~~

2 SECTION 9. IC 23-17-22-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A corporation's
4 board of directors may propose dissolution for submission to the
5 members.

6 (b) For a proposal to dissolve to be adopted, the following
7 conditions must be met:

8 (1) The board of directors must recommend dissolution to the
9 members unless the board of directors determines that because of
10 conflict of interest or other special circumstances the board
11 should not make a recommendation and communicates the basis
12 for the board's determination to the members.

13 (2) The members entitled to vote must approve the proposal to
14 dissolve as provided under subsection (f).

15 (3) A person whose approval is required by articles of
16 incorporation authorized under IC 23-17-17-1 for an amendment
17 to the articles of incorporation or bylaws must approve the
18 proposal to dissolve in writing.

19 (c) If a corporation does not have members, dissolution must be
20 approved by a majority of the directors in office at the time dissolution
21 is approved. The corporation shall provide notice to directors of a
22 director's meeting where an approval for dissolution will be sought
23 under IC 23-17-15-3. The notice must state that the purpose of the
24 meeting is to consider the proposed dissolution.

25 (d) The board of directors may condition the board's submission of
26 the proposal for dissolution on any basis.

27 (e) The corporation must notify each member, whether or not
28 entitled to vote, of the proposed members' meeting under
29 IC 23-17-10-5. The notice must state that the purpose of the meeting is
30 to consider dissolving the corporation.

31 (f) Unless articles of incorporation or a board of directors acting
32 under subsection (d) require a greater vote or a vote by voting groups,
33 the proposal to dissolve to be adopted must be approved by the
34 members by a majority of the votes cast on the proposal.

35 (g) After a proposal for dissolution is adopted, the corporation must
36 give the notices required under the following:

37 (1) IC 6-8.1-10-9.

38 (2) IC 22-4-32-23.

39 ~~(3) IC 32-34-1-25.~~

40 SECTION 10. IC 24-13-4-2, AS ADDED BY P.L.105-2017,
41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2021]: Sec. 2. (a) A person who is entitled to bring an action



1 on the person's own behalf under section 1 of this chapter may bring a
 2 class action on behalf of any class of persons of which the person is a
 3 member and that has been damaged by the pyramid promotional
 4 scheme, subject to and under the Indiana Rules of Trial Procedure
 5 governing class actions.

6 (b) The court may award reasonable attorney's fees to the party that
 7 prevails in a class action under this section. The attorney's fees must be
 8 determined by the amount of time reasonably expended by the attorney
 9 and not by the amount of the judgment. The court, however, may
 10 consider awarding a contingency fee.

11 (c) Any money or other property recovered in a class action under
 12 this section that cannot, with due diligence, be restored to the members
 13 of the class within one (1) year after the final judgment must be
 14 returned to the abandoned property fund ~~established by IC 32-34-1-33.~~
 15 **under IC 32-34-1.5-44.**

16 (d) Actual damages awarded to a class have priority over any civil
 17 penalty imposed under this article.

18 SECTION 11. IC 25-30-1-5, AS AMENDED BY P.L.57-2013,
 19 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2021]: Sec. 5. This chapter does not require any of the
 21 following persons to be a licensee:

22 (1) A law enforcement officer of the United States, a state, or a
 23 political subdivision of a state to the extent that the officer or
 24 employee is engaged in the performance of the officer's or
 25 employee's official duties.

26 (2) Any person to the extent that the person is engaged in the
 27 business of furnishing and obtaining information concerning the
 28 financial rating of other persons.

29 (3) A collection agency licensed by the secretary of state or its
 30 employee acting within the scope of the employee's employment,
 31 to the extent that the person is making an investigation incidental
 32 to the business of the agency, including an investigation of the
 33 location of a debtor or a debtor's assets in a property that the client
 34 has an interest in or a lien upon.

35 (4) An attorney or employee of an attorney to the extent that the
 36 person is engaged in investigative matters incident to the delivery
 37 of professional services that constitute the practice of law.

38 (5) An insurance adjuster to the extent that the adjuster is
 39 employed in the investigation and settlement of claims made
 40 against insurance companies or persons insured by insurance
 41 companies if the adjuster is a regular employee of the insurance
 42 company and the insurance company is authorized to do business



- 1 in Indiana and is complying with the laws regulating insurance
- 2 companies in Indiana.
- 3 (6) A person primarily engaged in the business of furnishing
- 4 information for:
 - 5 (A) business decisions and transactions in connection with
 - 6 credit, employment, or marketing; or
 - 7 (B) insurance underwriting purposes;
 - 8 including a consumer reporting agency as defined by the Fair
 - 9 Credit Reporting Act (15 U.S.C. 1681 et seq.).
 - 10 (7) A retail merchant or an employee of the retail merchant to the
 - 11 extent that the person is hiring a private investigator for the
 - 12 purposes of loss prevention investigations for the retail merchant's
 - 13 retail establishment.
 - 14 (8) A professional engineer registered under IC 25-31 or a person
 - 15 acting under a registered professional engineer's supervision, to
 - 16 the extent the professional engineer is engaged in an investigation
 - 17 incident to the practice of engineering.
 - 18 (9) An architect with a certificate of registration under IC 25-4, to
 - 19 the extent the architect is engaged in an investigation incident to
 - 20 the practice of architecture.
 - 21 (10) A professional surveyor with a certificate of registration
 - 22 under IC 25-21.5, to the extent the professional surveyor is
 - 23 engaged in an investigation incident to the practice of surveying.
 - 24 (11) A certified public accountant with a certificate under
 - 25 IC 25-2.1-3, to the extent that the person is engaged in an
 - 26 investigation incident to the practice of accountancy.
 - 27 (12) An independent consultant employed by the attorney general
 - 28 under ~~IC 32-34-1-48~~, **IC 32-34-1.5-62**, to the extent that the
 - 29 independent consultant is engaged in providing services for the
 - 30 attorney general.
 - 31 SECTION 12. IC 26-3-8-15, AS AMENDED BY P.L.144-2014,
 - 32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 - 33 JULY 1, 2021]: Sec. 15. (a) Any sale of the personal property under
 - 34 this chapter shall be held:
 - 35 (1) at the self-service storage facility or, if that facility is not a
 - 36 suitable place for a sale, at the suitable place nearest to where the
 - 37 property is held or stored; or
 - 38 (2) through a publicly accessible Internet web site.
 - 39 (b) The owner may buy the personal property at any sale under this
 - 40 chapter.
 - 41 (c) An owner may satisfy the owner's lien from the proceeds of a
 - 42 sale under this chapter. If the proceeds of a sale under this chapter



1 exceed the amount of the owner's lien, the owner shall hold the balance
 2 for delivery, upon demand, to the renter. If the renter does not claim the
 3 balance of the proceeds within one (1) year after the sale, the balance
 4 shall be treated as unclaimed property under ~~IC 32-34-1~~. **IC 32-34-1.5.**

5 SECTION 13. IC 27-2-23-16, AS ADDED BY P.L.90-2014,
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2021]: Sec. 16. (a) The benefit of a policy, annuity, or retained
 8 asset account, plus accrued interest applicable under the policy,
 9 annuity, or retained asset account, is first payable to designated
 10 beneficiaries or policy owners, annuity owners, or account owners.

11 (b) If beneficiaries or policy owners, annuity owners, or account
 12 owners cannot be found, the benefit of the policy, annuity, or retained
 13 asset account (not including applicable accrued interest) escheats to the
 14 state as unclaimed property under ~~IC 32-34-1~~. **IC 32-34-1.5.**

15 SECTION 14. IC 27-2-23-18, AS ADDED BY P.L.90-2014,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2021]: Sec. 18. (a) With respect to a policy, an annuity, or a
 18 retained asset account for which an insurer has knowledge of death:

19 (1) if:

20 (A) within one (1) year after the insurer has obtained the
 21 knowledge of death, the insurer:

22 (i) conducts reasonable search efforts; and

23 (ii) is unable to locate in Indiana a beneficiary under the
 24 policy, annuity, or retained asset account; or

25 (B) no beneficiary was named and the person, for purposes of
 26 ~~IC 32-34-1~~, **IC 32-34-1.5**, had a last known address in Indiana;
 27 and

28 (2) the insurer has, without success, attempted to make the
 29 contacts required by and in accordance with ~~IC 32-34-1~~;

30 **IC 32-34-1.5;**

31 the insurer may, without further notice to or consent by the state, report
 32 and remit the proceeds of the policy, annuity, or retained asset account
 33 to the state on an early reporting basis in accordance with ~~IC 32-34-1~~.
 34 **IC 32-34-1.5.**

35 (b) After a report and remittance of proceeds described in
 36 subsection (a), the insurer is relieved and indemnified from any
 37 additional liability in relation to the proceeds, in accordance with
 38 ~~IC 32-34-1~~. **IC 32-34-1.5.**

39 SECTION 15. IC 27-2-23-21, AS ADDED BY P.L.166-2015,
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2021]: Sec. 21. This chapter does not prevent the attorney
 42 general from conducting an examination of the records of an insurance



1 company under ~~IC 32-34-1-42~~. **IC 32-34-1.5-55.**

2 SECTION 16. IC 28-1-9-11, AS AMENDED BY P.L.35-2010,
3 SECTION 115, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2021]: Sec. 11. In case depositors or other
5 creditors or the holders of shares of any such corporation are unknown
6 or shall fail or refuse to accept their distributive shares in the property
7 and assets of such corporation, or are under any disability, or cannot be
8 found after diligent inquiry, upon the final settlement of the liquidation,
9 the liquidating agent shall treat the property as unclaimed property and
10 comply with ~~IC 32-34-1-~~ **IC 32-34-1.5.**

11 SECTION 17. IC 30-2-16-7, AS ADDED BY P.L.141-2005,
12 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2021]: Sec. 7. Section 5 of this chapter does not apply to
14 accounts containing a static balance that would otherwise be reported
15 to the state under ~~IC 32-34-1-26~~ **IC 32-34-1.5-20** as Indiana property.

16 SECTION 18. IC 32-33-10.5-8, AS ADDED BY P.L.172-2019,
17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2021]: Sec. 8. (a) This section applies if a complaint is filed
19 under section 7 of this chapter and the plaintiff recovers:

20 (1) a judgment in any sum; or

21 (2) a judgment:

22 (A) declaring that an aircraft is abandoned or derelict; and

23 (B) authorizing the disposal of the aircraft by means of a
24 public auction and removal of the aircraft from the premises
25 of a public-use airport or of a fixed-base operator.

26 (b) Any net proceeds resulting from the sale or disposal of an
27 aircraft under this chapter shall be paid to:

28 (1) the owner of the aircraft and any other person having a legal
29 or equitable interest in the aircraft, in proportion to each person's
30 legal or equitable interest in the aircraft; or

31 (2) if the owner of the aircraft or any other person having a legal
32 or equitable interest in the aircraft cannot be found, to the attorney
33 general as unclaimed property under ~~IC 32-34-1-~~ **IC 32-34-1.5.**

34 (c) In an action brought under section 7 of this chapter, the plaintiff
35 may also recover as part of the judgment in the action reasonable
36 attorney's fees incurred by the plaintiff in bringing and prosecuting the
37 action.

38 SECTION 19. IC 32-34-1 IS REPEALED [EFFECTIVE JULY 1,
39 2021]. (Unclaimed Property Act).

40 SECTION 20. IC 32-34-1.5 IS ADDED TO THE INDIANA CODE
41 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2021]:

SB 188—LS 6494/DI 137



1 **Chapter 1.5. Revised Unclaimed Property Act**

2 **Sec. 1. (a) This chapter does not apply to property held, due, and**
 3 **owing in a foreign country if the transaction out of which the**
 4 **property arose was a foreign transaction.**

5 **(b) This chapter does not apply to a business to business credit**
 6 **memorandum or a credit balance resulting from a business to**
 7 **business credit memorandum.**

8 **(c) This chapter does not apply to a gift card or a stored value**
 9 **card for which the records of the holder do not contain:**

10 **(1) the name of the apparent owner; or**

11 **(2) an address that is sufficient to direct the delivery of first**
 12 **class United States mail to the apparent owner.**

13 **Sec. 2. This chapter may be cited as the "revised unclaimed**
 14 **property act".**

15 **Sec. 3. The following definitions apply throughout this chapter:**

16 **(1) "Apparent owner" means a person whose name appears**
 17 **on the records of a holder as the owner of property held,**
 18 **issued, or owing by the holder.**

19 **(2) "Attorney general's agent" means a person with which the**
 20 **attorney general contracts to conduct an examination under**
 21 **section 55 of this chapter on behalf of the attorney general.**

22 **(3) "Business association" means a corporation, joint stock**
 23 **company, investment company other than an investment**
 24 **company registered under the Investment Company Act of**
 25 **1940 (15 U.S.C. 80a-1 et seq.), partnership, unincorporated**
 26 **association, joint venture, limited liability company, business**
 27 **trust, trust company, land bank, safe deposit company,**
 28 **safekeeping depository, financial organization, insurance**
 29 **company, federally chartered entity, utility, sole**
 30 **proprietorship, or other business entity, whether or not for**
 31 **profit.**

32 **(4) "Confidential information" means records, reports, and**
 33 **information that are considered confidential under section 80**
 34 **of this chapter.**

35 **(5) "Domicile" means the following:**

36 **(A) For a corporation, the state of its incorporation.**

37 **(B) For a business association other than a corporation**
 38 **whose formation requires a filing with a state, the state of**
 39 **its filing.**

40 **(C) For a federally chartered entity or an investment**
 41 **company registered under the Investment Company Act of**
 42 **1940, as amended (15 U.S.C. 80a-1 et seq.), the state of its**



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home office.

(D) For any other holder, the state of its principal place of business.

(6) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(7) "Electronic mail" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.

(8) "Financial organization" means a savings and loan association, building and loan association, savings bank, industrial bank, bank, banking organization, or credit union.

(9) "Game related digital content" means digital content that exists only in an electronic game or electronic-game platform. The term includes game-play currency such as a virtual wallet, even if denominated in United States currency and, if for use or redemption only within the game or platform or another electronic game or electronic-game platform, points sometimes referred to as gems, tokens, gold, and similar names and digital codes. The term does not include an item that the issuer:

(A) permits to be redeemed for use outside a game or platform for money or goods or services that have more than minimal value; or

(B) otherwise monetizes for use outside a game or platform.

(10) "Gift card" means a stored value card:

(A) the value of which does not expire;

(B) that may be decreased in value only by redemption for merchandise, goods, or services; and

(C) that, unless required by law, may not be redeemed for or converted into money or otherwise monetized by the issuer.

The term includes a prepaid commercial mobile radio service (as defined in 47 CFR 20.3).

(11) "Holder" means a person obligated to hold for the account of, or to deliver or pay to, the owner property subject to this chapter.

(12) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident,



- 1 burial, casualty, credit life, contract performance, dental,
2 disability, fidelity, fire, health, hospitalization, illness, life,
3 malpractice, marine, mortgage, surety, wage protection, and
4 worker's compensation insurance.
- 5 (13) "Loyalty card" means a record given without direct
6 monetary consideration under an award, reward, benefit,
7 loyalty, incentive, rebate, or promotional program which may
8 be used or redeemed only to obtain goods or services or a
9 discount on goods or services. The term does not include a
10 record that may be redeemed for money or otherwise
11 monetized by the issuer.
- 12 (14) "Mineral" means gas, oil, coal, oil shale, other gaseous
13 liquid or solid hydrocarbon, cement material, sand and
14 gravel, road material, building stone, chemical raw material,
15 gemstone, fissionable and nonfissionable ores, colloidal and
16 other clay, steam and other geothermal resources, and any
17 other substance defined as a mineral by a law of this state
18 other than this chapter.
- 19 (15) "Mineral proceeds" means an amount payable for the
20 extraction, production, or sale of minerals, or, on the
21 abandonment of the amount, an amount that becomes payable
22 after abandonment. The term includes an amount payable:
- 23 (A) for the acquisition and retention of a mineral lease,
24 including a bonus, royalty, compensatory royalty, shut-in
25 royalty, minimum royalty, and delay rental;
- 26 (B) for the extraction, production, or sale of minerals,
27 including a net revenue interest, royalty, overriding
28 royalty, extraction payment, and production payment; and
- 29 (C) under an agreement or option, including a
30 joint-operation agreement, unit agreement, pooling
31 agreement, and farm out agreement.
- 32 (16) "Money order" means a payment order for a specified
33 amount of money. The term includes an express money order
34 and a personal money order on which the remitter is the
35 purchaser.
- 36 (17) "Municipal bond" means a bond or evidence of
37 indebtedness issued by a municipality or other political
38 subdivision of a state.
- 39 (18) "Net card value" means the original purchase price or
40 original issued value of a stored value card, plus amounts
41 added to the original price or value, minus amounts used and
42 any service charge, fee, or dormancy charge permitted by law.



- 1 (19) "Non-freely transferable security" means a security that
 2 cannot be delivered to the attorney general by the Depository
 3 Trust & Clearing Corporation or similar custodian of
 4 securities providing post-trade clearing and settlement
 5 services to financial markets or cannot be delivered because
 6 there is no agent to effect transfer. The term includes a
 7 worthless security.
- 8 (20) "Owner" means a person that has a legal, beneficial, or
 9 equitable interest in property subject to this chapter or the
 10 person's legal representative when acting on behalf of the
 11 owner. The term includes:
- 12 (A) for a deposit, a depositor;
 - 13 (B) for a trust other than a deposit in trust, a beneficiary;
 - 14 (C) for other property, a creditor, claimant, or payee; and
 - 15 (D) the lawful bearer of a record that may be used to
 16 obtain money, a reward, or a thing of value.
- 17 (21) "Payroll card" means a record that evidences a payroll
 18 card account as defined in Regulation E (12 CFR Part 1005).
- 19 (22) "Person" means an individual, estate, business
 20 association, public corporation, government or governmental
 21 subdivision, agency, or instrumentality, or other legal entity.
- 22 (23) "Property" means tangible property described in section
 23 8 of this chapter or a fixed and certain interest in intangible
 24 property held, issued, or owed in the course of a holder's
 25 business or by a government or governmental subdivision,
 26 agency, or instrumentality. The term includes:
- 27 (A) all income from or increments to the property; and
 - 28 (B) property referred to as or evidenced by:
 - 29 (i) money, virtual currency, interest, or a dividend,
 30 check, draft, deposit, or payroll card;
 - 31 (ii) a credit balance, customer's overpayment, stored
 32 value card, security deposit, refund, credit
 33 memorandum, unpaid wage, unused ticket for which the
 34 issuer has an obligation to provide a refund, mineral
 35 proceeds, or unidentified remittance;
 - 36 (iii) a security, except for a worthless security or a
 37 security that is subject to a lien, legal hold, or restriction
 38 evidenced on the records of the holder or imposed by
 39 operation of law, if the lien, legal hold, or restriction
 40 restricts the holder's or owner's ability to receive,
 41 transfer, sell, or otherwise negotiate the security;
 - 42 (iv) a bond, debenture, note, or other evidence of



- 1 indebtedness;
- 2 (v) money deposited to redeem a security, make a
- 3 distribution, or pay a dividend;
- 4 (vi) an amount due and payable under an annuity
- 5 contract or insurance policy; and
- 6 (vii) an amount distributable from a trust or custodial
- 7 fund established under a plan to provide health, welfare,
- 8 pension, vacation, severance, retirement, death, stock
- 9 purchase, profit sharing, employee savings, supplemental
- 10 unemployment insurance, or a similar benefit.
- 11 The term does not include property held in a plan described
- 12 in Section 529A of the Internal Revenue Code, game related
- 13 digital content, a loyalty card, or an in-store credit for
- 14 returned merchandise.
- 15 (24) "Putative holder" means a person believed by the
- 16 attorney general to be a holder, until the person pays or
- 17 delivers to the attorney general property subject to this
- 18 chapter or the attorney general or court makes a final
- 19 determination that the person is or is not a holder.
- 20 (25) "Record" means information that is inscribed on a
- 21 tangible medium or that is stored in an electronic or other
- 22 medium and is retrievable in perceivable form.
- 23 (26) "Security" means:
- 24 (A) a security (as defined in IC 26-1-8.1-102);
- 25 (B) a security entitlement (as defined in IC 26-1-8.1-102),
- 26 including a customer security account held by a registered
- 27 broker-dealer, to the extent the financial assets held in the
- 28 security account are not:
- 29 (i) registered on the books of the issuer in the name of
- 30 the person for which the broker-dealer holds the assets;
- 31 (ii) payable to the order of the person; or
- 32 (iii) specifically indorsed to the person; or
- 33 (C) an equity interest in a business association not included
- 34 in clause (A) or (B).
- 35 (27) "Sign" means, with present intent to authenticate or
- 36 adopt a record:
- 37 (A) to execute or adopt a tangible symbol; or
- 38 (B) to attach to or logically associate with the record an
- 39 electronic symbol, sound, or process.
- 40 (28) "State" means a state of the United States, the District of
- 41 Columbia, the Commonwealth of Puerto Rico, the United
- 42 States Virgin Islands, or any territory or insular possession



1 subject to the jurisdiction of the United States.

2 (29) "Stored value card" means a record evidencing a
3 promise made for consideration by the seller or issuer of the
4 record that goods, services, or money will be provided to the
5 owner of the record to the value or amount shown in the
6 record. The term includes:

7 (A) a record that contains or consists of a microprocessor
8 chip, magnetic strip, or other means for the storage of
9 information, which is prefunded and whose value or
10 amount is decreased on each use and increased by payment
11 of additional consideration; and

12 (B) a gift card or payroll card.

13 The term does not include a loyalty card or game related
14 digital content.

15 (30) "Utility" means a person that owns or operates for public
16 use a plant, equipment, real property, franchise, or license for
17 the following public services:

18 (A) Transmission of communications or information.

19 (B) Production, storage, transmission, sale, delivery, or
20 furnishing of electricity, water, steam, or gas.

21 (C) Provision of sewage or septic services, or trash,
22 garbage, or recycling disposal.

23 (31) "Virtual currency" means a digital representation of
24 value used as a medium of exchange, unit of account, or store
25 of value, which does not have legal tender status recognized
26 by the United States. The term does not include:

27 (A) the software or protocols governing the transfer of the
28 digital representation of value;

29 (B) game related digital content; or

30 (C) a loyalty card or gift card.

31 (32) "Worthless security" means a security whose cost of
32 liquidation and delivery to the attorney general would exceed
33 the value of the security on the date a report is due under this
34 chapter.

35 Sec. 4. Subject to section 13 of this chapter, the following
36 property is presumed abandoned if it is unclaimed by the apparent
37 owner during the period specified as follows:

38 (1) For a traveler's check, fifteen (15) years after issuance.

39 (2) For a money order, seven (7) years after issuance.

40 (3) For a state or municipal bond, bearer bond, or original
41 issue discount bond, three (3) years after the earliest of the
42 date the bond matures or is called or the obligation to pay the



- 1 principal of the bond arises.
 2 (4) For a debt of a business association, three (3) years after
 3 the obligation to pay arises.
 4 (5) For a payroll card or demand, savings, or time deposit,
 5 including a deposit that is automatically renewable, three (3)
 6 years after the maturity of the deposit. This does not include
 7 a deposit that is automatically renewable, which is deemed
 8 matured on its initial date of maturity unless the apparent
 9 owner consented in a record on file with the holder to renewal
 10 at the time of account opening or at or about the time of the
 11 renewal.
 12 (6) For money or a credit owed to a customer as a result of a
 13 retail business transaction, other than in-store credit for
 14 returned merchandise, three (3) years after the obligation
 15 arose.
 16 (7) For an amount owed by an insurance company on a life or
 17 endowment insurance policy or an annuity contract that has
 18 matured or terminated, three (3) years after the obligation to
 19 pay arose under the terms of the policy or contract. If a policy
 20 or contract for which an amount is owed on proof of death
 21 has not matured by proof of the death of the insured or
 22 annuitant, the amount must be paid as follows:
 23 (A) With respect to an amount owed on a life or
 24 endowment insurance policy, three (3) years after the
 25 earlier of the date the insurance company has knowledge
 26 of the death of the insured or the insured has attained, or
 27 would have attained if living, the limiting age under the
 28 mortality table on which the reserve for the policy is based.
 29 (B) With respect to an amount owed on an annuity
 30 contract, three (3) years after the date the insurance
 31 company has knowledge of the death of the annuitant.
 32 (8) For property distributable by a business association in the
 33 course of dissolution, one (1) year after the property becomes
 34 distributable.
 35 (9) For property held by a court, including property received
 36 as proceeds of a class action, one (1) year after the property
 37 becomes distributable.
 38 (10) For property held by a government or governmental
 39 subdivision, agency, or instrumentality, including municipal
 40 bond interest and unredeemed principal under the
 41 administration of a paying agent or indenture trustee, one (1)
 42 year after the property becomes distributable.



1 (11) For wages, commissions, bonuses, or reimbursements to
 2 which an employee is entitled, or other compensation for
 3 personal services, other than amounts held in a payroll card,
 4 one (1) year after the amount becomes payable.

5 (12) For a deposit or refund owed to a subscriber by a utility,
 6 one (1) year after the deposit or refund becomes payable.

7 (13) For property not specified in this section or sections 8, 9,
 8 10, and 11 of this chapter, the earlier of three (3) years after
 9 the owner first has a right to demand the property or the
 10 obligation to pay or distribute the property arises.

11 **Sec. 5. (a) Subject to section 13 of this chapter, property held in**
 12 **a pension account or retirement account that qualifies for tax**
 13 **deferral under federal income tax laws is presumed abandoned if**
 14 **it is unclaimed by the apparent owner three (3) years after the later**
 15 **of the following:**

16 (1) The following dates:

17 (A) Except as provided in clause (B), the date a second
 18 consecutive communication sent by the holder by first class
 19 United States mail to the apparent owner is returned to the
 20 holder undelivered by the United States Postal Service.

21 (B) If the second communication is sent later than thirty
 22 (30) days after the date the first communication is returned
 23 undelivered, the date the first communication was
 24 returned undelivered by the United States Postal Service.

25 (2) The earlier of the following dates:

26 (A) The date the apparent owner becomes seventy-two (72)
 27 years of age, if determinable by the holder.

28 (B) If the Internal Revenue Code requires distribution to
 29 avoid a tax penalty, two (2) years after the following dates:

30 (i) The date the holder receives confirmation of the death
 31 of the apparent owner in the ordinary course of its
 32 business.

33 (ii) The date the holder confirms the death of the
 34 apparent owner under subsection (b).

35 (b) If a holder in the ordinary course of its business receives
 36 notice or an indication of the death of an apparent owner of an
 37 account described in subsection (a) and subsection (a)(2) applies,
 38 the holder shall attempt not later than ninety (90) days after
 39 receipt of the notice or indication to confirm whether the apparent
 40 owner is deceased.

41 (c) If the holder does not send communications to the apparent
 42 owner of an account described in subsection (a) by first class



1 United States mail, the holder must attempt to confirm the
 2 apparent owner's interest in the property by sending the apparent
 3 owner an electronic mail communication not later than two (2)
 4 years after the apparent owner's last indication of interest in the
 5 property. However, the holder must attempt to contact the
 6 apparent owner by first class United States mail within sixty (60)
 7 days if any of the following apply:

8 (1) The holder does not have information needed to send the
 9 apparent owner an electronic mail communication or the
 10 holder believes the apparent owner's electronic mail address
 11 in the holder's records is not valid.

12 (2) The holder receives notification the electronic mail
 13 communication was not received.

14 (3) The apparent owner does not respond to the electronic
 15 mail communication not later than thirty (30) days after the
 16 communication was sent.

17 (d) If first class United States mail sent under subsection (c) is
 18 returned to the holder undelivered by the United States Postal
 19 Service, the property is presumed abandoned three (3) years after
 20 the later of the following:

21 (1) Except as provided in subdivision (2), the date a second
 22 consecutive communication to the apparent owner sent by
 23 first class United States mail is returned to the holder
 24 undelivered.

25 (2) If the second communication is sent later than thirty (30)
 26 days after the date the first communication is returned
 27 undelivered, the date the first communication was returned
 28 undelivered.

29 (3) The date established by subsection (a)(2).

30 Sec. 6. Subject to section 13 of this chapter and except for
 31 property described in section 5 of this chapter and property held
 32 in a plan described in Section 529A of the Internal Revenue Code,
 33 property held in an account or plan, including a health savings
 34 account, that qualifies for tax deferral under the income tax laws
 35 of the United States is presumed abandoned if it is unclaimed by
 36 the apparent owner three (3) years after the earlier of the
 37 following:

38 (1) The date, if determinable by the holder, specified in
 39 federal income tax laws and regulations by which distribution
 40 of the property must begin to avoid a tax penalty, with no
 41 distribution having been made.

42 (2) Thirty (30) years after the date the account was opened.



1 **Sec. 7. (a) Subject to section 13 of this chapter, property held in**
 2 **an account established under a state's Uniform Gifts to Minors Act**
 3 **or Uniform Transfers to Minors Act is presumed abandoned if it**
 4 **is unclaimed by or on behalf of the minor on whose behalf the**
 5 **account was opened three (3) years after the later of the following:**

6 **(1) Except as provided in subdivision (2), the date a second**
 7 **consecutive communication sent by the holder by first class**
 8 **United States mail to the custodian of the minor on whose**
 9 **behalf the account was opened is returned undelivered to the**
 10 **holder by the United States Postal Service.**

11 **(2) If the second communication is sent later than thirty (30)**
 12 **days after the date the first communication is returned**
 13 **undelivered, the date the first communication was returned**
 14 **undelivered.**

15 **(3) The date on which the custodian is required to transfer the**
 16 **property to the minor or the minor's estate in accordance**
 17 **with the Uniform Gifts to Minors Act or Uniform Transfers**
 18 **to Minors Act of the state in which the account was opened.**

19 **(b) If the holder does not send communications to the custodian**
 20 **of the minor on whose behalf an account described in subsection**
 21 **(a) was opened by first class United States mail, the holder shall**
 22 **attempt to confirm the custodian's interest in the property by**
 23 **sending the custodian an electronic mail communication not later**
 24 **than two (2) years after the custodian's last indication of interest**
 25 **in the property. However, the holder shall attempt to contact the**
 26 **custodian by first class United States mail within sixty (60) days if**
 27 **any of the following applies:**

28 **(1) The holder does not have information needed to send the**
 29 **custodian an electronic mail communication or the holder**
 30 **believes the electronic mail address in the holder's records is**
 31 **not valid.**

32 **(2) The holder receives notification that the electronic mail**
 33 **communication was not received.**

34 **(3) The custodian does not respond to the electronic mail**
 35 **communication not later than thirty (30) days after the**
 36 **communication was sent.**

37 **(c) If first class United States mail sent under subsection (b) is**
 38 **returned undelivered to the holder by the United States Postal**
 39 **Service, the property is presumed abandoned three (3) years after**
 40 **the later of the following:**

41 **(1) The date a second consecutive communication to contact**
 42 **the custodian by first class United States mail is returned to**



1 the holder undelivered by the United States Postal Service.

2 (2) The date established by subsection (a)(3).

3 (d) When the property in the account described in subsection (a)
4 is transferred to the minor on whose behalf an account was opened
5 or to the minor's estate, the property in the account is no longer
6 subject to this section.

7 Sec. 8. Tangible property held in a safe deposit box and
8 proceeds from a sale of the property by the holder permitted by
9 law of this state other than this chapter are presumed abandoned
10 if the property remains unclaimed by the apparent owner five (5)
11 years after the earlier of the:

12 (1) expiration of the lease or rental period for the box; or

13 (2) earliest date when the lessor of the box is authorized by
14 law of this state other than this chapter to enter the box and
15 remove or dispose of the contents without consent or
16 authorization of the lessee.

17 Sec. 9. (a) Subject to section 13 of this chapter, the net card
18 value of a stored value card, other than a payroll card or gift card,
19 is presumed abandoned on the latest of three (3) years after the
20 following:

21 (1) December 31 of the year in which the card is issued or
22 additional funds are deposited into it.

23 (2) The most recent indication of interest in the card by the
24 apparent owner.

25 (3) A verification or review of the balance by or on behalf of
26 the apparent owner.

27 (b) The amount presumed abandoned in a stored value card is
28 the net card value at the time it is presumed abandoned.

29 Sec. 10. (a) Subject to section 13 of this chapter, the net card
30 value of a gift card is presumed abandoned if it is unclaimed by the
31 apparent owner five (5) years after the later of:

32 (1) the date of purchase; or

33 (2) its most recent use.

34 (b) The amount presumed abandoned in a gift card is the net
35 card value at the time it is presumed abandoned.

36 Sec. 11. (a) Subject to section 13 of this chapter, a security is
37 presumed abandoned three (3) years after:

38 (1) the date a second consecutive communication sent by the
39 holder by first class United States mail to the apparent owner
40 is returned to the holder undelivered by the United States
41 Postal Service; or

42 (2) if the second communication is made later than thirty (30)



- 1 days after the first communication is returned, the date the
2 first communication is returned undelivered to the holder by
3 the United States Postal Service.
- 4 **(b) If the holder does not send communications to the apparent**
5 **owner by first class United States mail, the holder shall attempt to**
6 **confirm the apparent owner's interest in the security by sending**
7 **the apparent owner an electronic mail communication not later**
8 **than two (2) years after the apparent owner's last indication of**
9 **interest in the security. However, the holder must attempt to**
10 **contact the apparent owner by first class United States mail within**
11 **sixty (60) days if:**
- 12 **(1) the holder does not have information needed to send the**
13 **apparent owner an electronic mail communication or the**
14 **holder believes that the apparent owner's electronic mail**
15 **address in the holder's records is not valid;**
16 **(2) the holder receives notification that the electronic mail**
17 **communication was not received; or**
18 **(3) the apparent owner does not respond to the electronic mail**
19 **communication not later than thirty (30) days after the**
20 **communication was sent.**
- 21 **(c) If first class United States mail sent under subsection (b) is**
22 **returned to the holder undelivered by the United States Postal**
23 **Service, the security is presumed abandoned three (3) years after**
24 **the date the mail is returned.**
- 25 **Sec. 12. At and after the time property is presumed abandoned**
26 **under this chapter, any other property right or interest accrued or**
27 **accruing from the property and not previously presumed**
28 **abandoned is also presumed abandoned.**
- 29 **Sec. 13. (a) The period after which property is presumed**
30 **abandoned is measured from the later of:**
- 31 **(1) the date the property is presumed abandoned under this**
32 **chapter; or**
33 **(2) the latest indication of interest by the apparent owner in**
34 **the property.**
- 35 **(b) Under this chapter, an indication of an apparent owner's**
36 **interest in property includes:**
- 37 **(1) a record communicated by the apparent owner to the**
38 **holder or agent of the holder concerning the property or the**
39 **account in which the property is held;**
40 **(2) an oral communication by the apparent owner to the**
41 **holder or agent of the holder concerning the property or the**
42 **account in which the property is held, if the holder or its agent**



- 1 contemporaneously makes and preserves a record of the fact
 2 of the apparent owner's communication;
 3 (3) presentment of a check or other instrument of payment of
 4 a dividend, interest payment, or other distribution, or
 5 evidence of receipt of a distribution made by electronic or
 6 similar means, with respect to an account, underlying
 7 security, or interest in a business association;
 8 (4) activity directed by an apparent owner in the account in
 9 which the property is held, including accessing the account or
 10 information concerning the account, or a direction by the
 11 apparent owner to increase, decrease, or otherwise change the
 12 amount or type of property held in the account;
 13 (5) a deposit into or withdrawal from an account at a financial
 14 organization, including an automatic deposit or withdrawal
 15 previously authorized by the apparent owner other than an
 16 automatic reinvestment of dividends or interest;
 17 (6) subject to subsection (e), payment of a premium on an
 18 insurance policy;
 19 (7) the mailing of any correspondence in writing from a
 20 financial institution to the apparent owner, including:
 21 (A) a statement;
 22 (B) a report of interest paid or credited; or
 23 (C) any other written advice;
 24 relating to a demand, savings, or matured time deposit
 25 account, including a deposit account that is automatically
 26 renewable or any other account or property the apparent
 27 owner has with the financial institution, if the correspondence
 28 is not returned to the financial institution for nondelivery;
 29 (8) any activity by the apparent owner that concerns:
 30 (A) another demand, savings, or matured time deposit
 31 account or other account the apparent owner has with a
 32 financial institution, including any activity by the apparent
 33 owner that results in an increase or decrease in the amount
 34 of any other account; or
 35 (B) any other relationship with the financial institution,
 36 including the payment of any amounts due on a loan;
 37 if the mailing address for the apparent owner contained in the
 38 financial institution's books and records is the same for both
 39 an inactive account and a related account; and
 40 (9) any other action by the apparent owner which reasonably
 41 demonstrates to the holder that the apparent owner knows the
 42 property exists.



1 (c) An action by an agent or other representative of an apparent
2 owner, other than the holder acting as the apparent owner's agent,
3 is presumed to be an action on behalf of the apparent owner.

4 (d) A communication with an apparent owner by a person other
5 than the holder or the holder's representative is not an indication
6 of interest in the property by the apparent owner unless a record
7 of the communication evidences the apparent owner's knowledge
8 of a right to the property.

9 (e) If an insured dies or an insured or beneficiary of an
10 insurance policy otherwise becomes entitled to the proceeds before
11 depletion of the cash surrender value of the policy by operation of
12 an automatic premium loan provision or other nonforfeiture
13 provision contained in the policy, the operation does not prevent
14 the policy from maturing or terminating.

15 Sec. 14. (a) As used in this section, "death master file" means
16 the United States Social Security Administration Death Master File
17 or other data base or service that is at least as comprehensive as
18 the United States Social Security Administration Death Master File
19 for determining that an individual reportedly has died.

20 (b) With respect to a life or endowment insurance policy or
21 annuity contract for which an amount is owed on proof of death,
22 but which has not matured by proof of death of the insured or
23 annuitant, the company has knowledge of the death of an insured
24 or annuitant when:

25 (1) the company receives a death certificate or court order
26 determining that the insured or annuitant has died;

27 (2) due diligence, performed as required under IC 27-2-23 to
28 maintain contact with the insured or annuitant or determine
29 whether the insured or annuitant has died, validates the death
30 of the insured or annuitant;

31 (3) the company conducts a comparison for any purpose
32 between a death master file and the names of some or all of
33 the company's insureds or annuitants, finds a match that
34 provides notice that the insured or annuitant has died, and
35 validates the death;

36 (4) the attorney general or the attorney general's agent
37 conducts a comparison for the purpose of finding matches
38 during an examination conducted under section 55 of this
39 chapter between a death master file and the names of some or
40 all of the company's insureds or annuitants, finds a match
41 that provides notice that the insured or annuitant has died,
42 and the company validates the death; or



- 1 **(5) the company:**
 2 **(A) receives notice of the death of the insured or annuitant**
 3 **from the attorney general, a beneficiary, policy owner,**
 4 **relative of the insured, or trustee or from an executor or**
 5 **other legal representative of the insured's or annuitant's**
 6 **estate; and**
 7 **(B) validates the death of the insured or annuitant.**
 8 **(c) The following rules apply under this section:**
 9 **(1) A death master file match under subsection (b)(3) or (b)(4)**
 10 **occurs if the criteria for an exact or partial match are**
 11 **satisfied as provided under:**
 12 **(A) IC 27-2-23;**
 13 **(B) the National Conference of Insurance Legislators'**
 14 **model legislation regarding unclaimed benefits; or**
 15 **(C) a rule or policy adopted by the department of**
 16 **insurance.**
 17 **(2) The death master file match does not constitute proof of**
 18 **death for the purpose of submission to an insurance company**
 19 **of a claim by a beneficiary, annuitant, or owner of the policy**
 20 **or contract for an amount due under an insurance policy or**
 21 **annuity contract.**
 22 **(3) The death master file match or validation of the insured's**
 23 **or annuitant's death does not alter the requirements for a**
 24 **beneficiary, annuitant, or owner of the policy or contract to**
 25 **make a claim to receive proceeds under the terms of the policy**
 26 **or contract.**
 27 **(4) If no provision in IC 27-2 establishes a time for validation**
 28 **of a death of an insured or annuitant, the insurance company**
 29 **shall make a good faith effort using other available records**
 30 **and information to validate the death and document the effort**
 31 **taken not later than ninety (90) days after the insurance**
 32 **company has notice of the death.**
 33 **(d) This chapter does not affect the determination of the extent**
 34 **to which an insurance company, before July 1, 2021, had**
 35 **knowledge of the death of an insured or annuitant or was required**
 36 **to conduct a death master file comparison to determine whether**
 37 **amounts owed by the company on a life or endowment insurance**
 38 **policy or annuity contract were presumed abandoned or**
 39 **unclaimed.**
 40 **Sec. 15. If proceeds payable under a life or endowment**
 41 **insurance policy or annuity contract are deposited into an account**
 42 **with check or draft writing privileges for the beneficiary of the**



1 policy or contract and, under a supplementary contract not
 2 involving annuity benefits other than death benefits, the proceeds
 3 are retained by the insurance company or the financial
 4 organization where the account is held, the policy or contract
 5 includes the assets in the account.

6 **Sec. 16. (a) The following rules apply under this section:**

7 (1) The last known address of an apparent owner is any
 8 description, code, or other indication of the location of the
 9 apparent owner which identifies the state, even if the
 10 description, code, or indication of location is not sufficient to
 11 direct the delivery of first class United States mail to the
 12 apparent owner.

13 (2) If the United States postal ZIP code associated with the
 14 apparent owner is for a post office located in this state, this
 15 state is deemed to be the state of the last known address of the
 16 apparent owner unless other records associated with the
 17 apparent owner specifically identify the physical address of
 18 the apparent owner to be in another state.

19 (3) If the address under subdivision (2) is in another state, the
 20 other state is deemed to be the state of the last known address
 21 of the apparent owner.

22 (4) The address of the apparent owner of a life or endowment
 23 insurance policy or annuity contract or its proceeds is
 24 presumed to be the address of the insured or annuitant if a
 25 person other than the insured or annuitant is entitled to the
 26 amount owed under the policy or contract and the address of
 27 the other person is not known by the insurance company and
 28 cannot be determined under IC 27-2.

29 (b) The attorney general may take custody of property that is
 30 presumed abandoned, whether located in this state, another state,
 31 or a foreign country if:

32 (1) the last known address of the apparent owner in the
 33 records of the holder is in this state; or

34 (2) the records of the holder do not reflect the identity or last
 35 known address of the apparent owner, but the attorney
 36 general has determined that the last known address of the
 37 apparent owner is in this state.

38 (c) Except as provided in subsection (d), if records of a holder
 39 reflect multiple addresses for an apparent owner and this state is
 40 the state of the most recently recorded address, this state may take
 41 custody of property presumed abandoned, whether located in this
 42 state or another state.



1 (d) If it appears from records of the holder that the most
 2 recently recorded address of the apparent owner under subsection
 3 (c) is a temporary address and this state is the state of the next
 4 most recently recorded address that is not a temporary address,
 5 this state may take custody of the property presumed abandoned.

6 (e) Except as provided elsewhere in this section, the attorney
 7 general may take custody of property presumed abandoned,
 8 whether located in this state, another state, or a foreign country, if
 9 the holder is domiciled in this state or is this state or a
 10 governmental subdivision, agency, or instrumentality of this state,
 11 and:

12 (1) another state or foreign country is not entitled to the
 13 property because there is no last known address of the
 14 apparent owner or other person entitled to the property in the
 15 records of the holder; or

16 (2) the state or foreign country of the last known address of
 17 the apparent owner or other person entitled to the property
 18 does not provide for custodial taking of the property.

19 If the holder's state of domicile has changed since the time
 20 property was presumed abandoned, the holder's state of domicile
 21 in this subsection is deemed to be the state where the holder was
 22 domiciled at the time the property was presumed abandoned.

23 (f) Property is not subject to custody of the attorney general
 24 under subsection (e) if the property is specifically exempt from
 25 custodial taking under the law of this state or the state or foreign
 26 country of the last known address of the apparent owner.

27 (g) If a holder's state of domicile has changed since the time
 28 property was presumed abandoned, the holder's state of domicile
 29 in this section is deemed to be the state where the holder was
 30 domiciled at the time the property was presumed abandoned.

31 Sec. 17. Except as provided in sections 14, 15, and 16 of this
 32 chapter, the attorney general may take custody of property
 33 presumed abandoned whether located in this state or another state
 34 if:

35 (1) the transaction out of which the property arose took place
 36 in this state;

37 (2) the holder is domiciled in a state that does not provide for
 38 the custodial taking of the property, except that if the
 39 property is specifically exempt from custodial taking under
 40 the law of the state of the holder's domicile, the property is
 41 not subject to the custody of the attorney general; and

42 (3) the last known address of the apparent owner or other



1 person entitled to the property is unknown or in a state that
 2 does not provide for the custodial taking of the property,
 3 except that if the property is specifically exempt from
 4 custodial taking under the law of the state of the last known
 5 address, the property is not subject to the custody of the
 6 attorney general.

7 **Sec. 18.** The attorney general may take custody of sums payable
 8 on a traveler's check, money order, or similar instrument
 9 presumed abandoned to the extent permissible under 12 U.S.C.
 10 2501 through 2503.

11 **Sec. 19.** If a holder disputes the attorney general's right to
 12 custody of unclaimed property, the attorney general has the
 13 burden to prove:

- 14 (1) the existence and amount of the property;
- 15 (2) the property is presumed abandoned; and
- 16 (3) the property is subject to the custody of the attorney
 17 general.

18 **Sec. 20. (a)** Except as provided in section 89(a) of this chapter,
 19 a holder of property presumed abandoned and subject to the
 20 custody of the attorney general must report in a record to the
 21 attorney general concerning the property. The attorney general
 22 may not require a holder to file a paper report.

23 (b) A holder may contract with a third party to make the report
 24 required under subsection (a).

25 (c) Whether or not a holder contracts with a third party under
 26 subsection (b), the holder is responsible:

- 27 (1) to the attorney general for the complete, accurate, and
 28 timely reporting of property presumed abandoned; and
- 29 (2) for paying or delivering to the attorney general property
 30 described in the report.

31 **Sec. 21. (a)** The report required under section 20 of this chapter
 32 must:

- 33 (1) be signed by or on behalf of the holder and verified as to
 34 its completeness and accuracy;
- 35 (2) if filed electronically, be in a secure format approved by
 36 the attorney general which protects confidential information
 37 of the apparent owner in the same manner as required of the
 38 attorney general's agent under section 82 of this chapter;
- 39 (3) describe the property;
- 40 (4) contain:
 - 41 (A) the name, if known;
 - 42 (B) the last known address, if known; and



- 1 (C) the Social Security number or taxpayer identification
2 number, if known or readily ascertainable;
3 of the apparent owner of the property of property with a
4 value of fifty dollars (\$50) or more;
5 (5) for an amount held or owing under a life or endowment
6 insurance policy or annuity contract, contain the name and
7 last known address of the insured, annuitant, or other
8 apparent owner of the policy or contract and of the
9 beneficiary;
10 (6) for property held in or removed from a safe deposit box,
11 indicate the location of the property, where it may be
12 inspected by the attorney general, and any amounts owed to
13 the holder under section 34 of this chapter;
14 (7) contain the commencement date for determining
15 abandonment under sections 4, 5, 6, 7, 8, 9, 10, and 11 of this
16 chapter;
17 (8) state that the holder has complied with the notice
18 requirements of section 25 of this chapter;
19 (9) identify property that is a non-freely transferable security
20 and explain why it is a non-freely transferable security; and
21 (10) include any other information required by the attorney
22 general.
23 (b) A report required under section 20 of this chapter may
24 include in the aggregate items valued under fifty dollars (\$50) each.
25 If the report includes items in the aggregate valued under fifty
26 dollars (\$50) each, the attorney general may not require the holder
27 to provide the name and address of an apparent owner of an item,
28 unless the information is necessary to verify or process a claim in
29 progress by the apparent owner.
30 (c) A report required under section 20 of this chapter may
31 include personal information as defined in section 79(a) of this
32 chapter about the apparent owner or the apparent owner's
33 property to the extent not otherwise prohibited by federal law.
34 (d) If a holder has changed its name while holding property
35 presumed abandoned or is a successor to another person that
36 previously held the property for the apparent owner, the holder
37 must include in the report required under section 20 of this chapter
38 its former name or the name of the previous holder, if any, and the
39 known name and address of each previous holder of the property.
40 Sec. 22. (a) Except as otherwise provided in subsection (b) and
41 subject to subsection (c), the report required under section 20 of
42 this chapter must be filed before November 1 of each year and



1 cover the twelve (12) months preceding July 1 of that year.

2 (b) Subject to subsection (c), the report required under section
3 20 of this chapter to be filed by an insurance company must be
4 filed before May 1 of each year for the immediately preceding
5 calendar year.

6 (c) Before the date for filing the report required under section
7 20 of this chapter, the holder of property presumed abandoned
8 may request that the attorney general extend the time for filing.
9 The attorney general may grant an extension. If an extension is
10 granted, the holder may pay or make a partial payment of the
11 amount the holder estimates ultimately will be due. A payment or
12 partial payment under this subsection terminates accrual of
13 interest on the amount paid.

14 Sec. 23. A holder required to file a report under section 20 of
15 this chapter must retain records for ten (10) years after the later
16 of the date the report was filed or the last date a timely report was
17 due to be filed, unless a shorter period is provided by rule of the
18 attorney general. The holder may satisfy the requirement to retain
19 records under this section through an agent. The records must
20 contain:

- 21 (1) the information required to be included in the report;
22 (2) the date, place, and nature of the circumstances that gave
23 rise to the property right;
24 (3) the amount or value of the property;
25 (4) the last address of the apparent owner, if known to the
26 holder; and
27 (5) if the holder sells, issues, or provides to others for sale or
28 issue in this state traveler's checks, money orders, or similar
29 instruments, other than third party bank checks, on which the
30 holder is directly liable, a record of the instruments while they
31 remain outstanding indicating the state and date of issue.

32 Sec. 24. Property is reportable and payable under this chapter
33 even if the owner fails to make demand or present an instrument
34 or document otherwise required to obtain payment.

35 Sec. 25. (a) Subject to subsection (b), the holder of property
36 presumed abandoned must send to the apparent owner notice by
37 first class United States mail that complies with section 26 of this
38 chapter in a format acceptable to the attorney general not more
39 than one hundred eighty (180) days and less than sixty (60) days
40 before filing the report under section 20 of this chapter if:

- 41 (1) the holder has in its records an address for the apparent
42 owner which the holder's records do not disclose to be invalid



1 and is sufficient to direct the delivery of first class United
2 States mail to the apparent owner; and

3 (2) the value of the property is fifty dollars (\$50) or more.

4 (b) If an apparent owner has consented to receive electronic
5 mail delivery from the holder, the holder may, at its election, send
6 the notice described in subsection (a) by either first class United
7 States mail to the apparent owner's last known mailing address, or
8 by electronic mail, unless the holder believes the apparent owner's
9 electronic mail address is invalid.

10 Sec. 26. (a) The notice under section 25 of this chapter must
11 contain a heading that reads substantially as follows:

12 "Notice. The State of Indiana requires us to notify you that
13 your property may be transferred to the custody of the
14 attorney general if you do not contact us before thirty (30)
15 days after the date of this notice."

16 (b) The notice under section 25 of this chapter must:

17 (1) identify the nature and, except for property that does not
18 have a fixed value, the value of the property that is the subject
19 of the notice;

20 (2) state that the property will be turned over to the attorney
21 general;

22 (3) state that after the property is turned over to the attorney
23 general an apparent owner that seeks return of the property
24 must file a claim with the attorney general;

25 (4) state that property that is not legal tender of the United
26 States may be sold by the attorney general; and

27 (5) provide instructions that the apparent owner must follow
28 to prevent the holder from reporting and paying or delivering
29 the property to the attorney general.

30 Sec. 27. (a) The attorney general shall give notice to an apparent
31 owner that property presumed abandoned and appearing to be
32 owned by the apparent owner is held by the attorney general under
33 this chapter by:

34 (1) publishing once per year in at least one (1) newspaper of
35 general circulation to each county of the state notice of
36 property held by the attorney general, which must include:

37 (A) the name of each apparent owner residing in the
38 county, as set forth in the report filed by the holder;

39 (B) the last known address or location of each apparent
40 owner residing in the county, if an address or a location is
41 set forth in the report filed by the holder;

42 (C) a statement explaining that the property of the



- 1 apparent owner is presumed abandoned and has been
 2 taken into the protective custody of the attorney general;
 3 **(D)** a statement that information about the abandoned
 4 property and its return to the apparent owner is available
 5 from the attorney general to a person having a legal or
 6 beneficial interest in the property;
 7 **(E)** the web address of the unclaimed property Internet
 8 web site maintained by the attorney general;
 9 **(F)** a telephone number and electronic mail address to
 10 contact the attorney general to inquire about or claim
 11 property; and
 12 **(G)** a statement that a person may access the Internet by a
 13 computer to search for unclaimed property and a
 14 computer may be available as a service to the public at a
 15 local public library; and
 16 **(2)** maintaining an Internet web site or data base accessible by
 17 the public and electronically searchable which contains the
 18 names reported to the attorney general of all apparent owners
 19 for whom property valued at ten dollars (\$10) or more is
 20 being held by the attorney general.
- 21 **(b)** The Internet web site or data base maintained under
 22 subsection (a)(2) must include instructions for filing with the
 23 attorney general a claim to property and a printable claim form
 24 with instructions for its use.
- 25 **(c)** In addition to publishing the information under subsection
 26 (a)(1) and maintaining the Internet web site or data base under
 27 subsection (a)(2), the attorney general may use other printed
 28 publication, telecommunication, the Internet, or other media to
 29 inform the public of the existence of unclaimed property held by
 30 the attorney general.
- 31 **Sec. 28.** Unless prohibited by law other than this chapter, on
 32 request of the attorney general, each officer, agency, board,
 33 commission, division, and department of the state, any body politic
 34 and corporate created by this state for a public purpose, and each
 35 political subdivision of this state shall make its books and records
 36 available to the attorney general and cooperate with the attorney
 37 general to determine the current address of an apparent owner of
 38 property held by the attorney general under this chapter.
- 39 **Sec. 29.** In this chapter, payment or delivery of property is made
 40 in good faith if a holder:
 41 **(1)** had a reasonable basis for believing, based on the facts
 42 then known, that the property was required or permitted to



1 be paid or delivered to the attorney general under this
2 chapter; or

3 (2) made payment or delivery:

4 (A) in response to a demand by the attorney general or the
5 attorney general's agent; or

6 (B) under a guidance or ruling issued by the attorney
7 general which the holder reasonably believed required or
8 permitted the property to be paid or delivered.

9 Sec. 30. (a) A holder may deduct a dormancy charge from
10 property required to be paid or delivered to the attorney general
11 if:

12 (1) a valid contract between the holder and the apparent
13 owner authorizes imposition of the charge for the apparent
14 owner's failure to claim the property within a specified time;
15 and

16 (2) the holder regularly imposes the charge and regularly does
17 not reverse or otherwise cancel the charge.

18 (b) The amount of the deduction under subsection (a) is limited
19 to an amount that is not unconscionable considering all relevant
20 factors, including the marginal transactional costs incurred by the
21 holder in maintaining the apparent owner's property and any
22 services received by the apparent owner.

23 Sec. 31. (a) Except as otherwise provided in this section, upon
24 filing a report under section 20 of this chapter, the holder shall pay
25 or deliver to the attorney general the property described in the
26 report.

27 (b) If property in a report under section 20 of this chapter is an
28 automatically renewable deposit and a penalty or forfeiture in the
29 payment of interest would result from paying the deposit to the
30 attorney general at the time of the report, the date for payment of
31 the property to the attorney general is extended until a penalty or
32 forfeiture no longer would result from payment.

33 (c) Tangible property in a safe deposit box may not be delivered
34 to the attorney general until thirty (30) days after filing the report
35 under section 20 of this chapter.

36 (d) If property reported to the attorney general under section 20
37 of this chapter is a security, the attorney general may:

38 (1) make an endorsement, instruction, or entitlement order on
39 behalf of the apparent owner to invoke the duty of the issuer,
40 its transfer agent, or the securities intermediary to transfer
41 the security; or

42 (2) dispose of the security under section 40 of this chapter.



1 (e) If the holder of property reported to the attorney general
 2 under section 20 of this chapter is the issuer of a certificated
 3 security, the attorney general may obtain a replacement certificate
 4 in physical or book entry form under IC 26-1-8.1-405. An
 5 indemnity bond is not required.

6 (f) The attorney general shall establish procedures for the
 7 registration, issuance, method of delivery, transfer, and
 8 maintenance of securities delivered to the attorney general by a
 9 holder.

10 (g) An issuer, holder, and transfer agent or other person acting
 11 under this section under instructions of and on behalf of the issuer
 12 or holder is not liable to the apparent owner for, and must be
 13 indemnified by the state against, a claim arising with respect to
 14 property after property has been delivered to the attorney general.

15 (h) A holder is not required to deliver to the attorney general a
 16 security identified by the holder as a non-freely transferable
 17 security. If the attorney general or holder determines that a
 18 security is no longer a non-freely transferable security, the holder
 19 shall deliver the security on the next regular date prescribed for
 20 delivery of securities under this chapter. The holder shall make a
 21 determination annually whether a security identified in a report
 22 filed under section 20 of this chapter as a non-freely transferable
 23 security is no longer a non-freely transferable security.

24 Sec. 32. (a) On payment or delivery of property to the attorney
 25 general under this chapter, the attorney general, as agent for the
 26 state, assumes custody and responsibility for safekeeping the
 27 property. A holder that pays or delivers property to the attorney
 28 general in good faith and substantially complies with sections 25
 29 and 26 of this chapter is relieved of liability arising after with
 30 respect to payment or delivery of the property to the attorney
 31 general.

32 (b) The state must defend and indemnify a holder against
 33 liability on a claim against the holder resulting from the payment
 34 or delivery of property to the attorney general made in good faith
 35 and after the holder substantially complied with sections 25 and 26
 36 of this chapter.

37 Sec. 33. (a) A holder that pays money to the attorney general
 38 under this chapter may file a claim for reimbursement from the
 39 attorney general of the amount paid if the holder:

- 40 (1) paid the money in error; or
 41 (2) after paying the money to the attorney general, paid
 42 money to a person the holder reasonably believed entitled to



- 1 the money.
- 2 **(b) If a claim for reimbursement under subsection (a) is made**
3 **for a payment made on a negotiable instrument, including a**
4 **traveler's check, money order, or similar instrument, the holder**
5 **must submit proof that the instrument was presented and payment**
6 **was made to a person the holder reasonably believed entitled to**
7 **payment. The holder may claim reimbursement even if the**
8 **payment was made to a person whose claim was made after**
9 **expiration of a period of limitation on the owner's right to receive**
10 **or recover property, whether specified by contract, statute, or**
11 **court order.**
- 12 **(c) If a holder is reimbursed by the attorney general under**
13 **subsection (a)(2), the holder may also recover from the attorney**
14 **general income or gain under section 35 of this chapter that would**
15 **have been paid to the owner if the money had been claimed from**
16 **the attorney general by the owner to the extent the income or gain**
17 **was paid by the holder to the owner.**
- 18 **(d) A holder that delivers property other than money to the**
19 **attorney general under this chapter may file a claim for return of**
20 **the property from the attorney general if:**
- 21 **(1) the holder delivered the property in error; or**
22 **(2) the apparent owner has claimed the property from the**
23 **holder.**
- 24 **(e) If a claim for return of property is made under subsection**
25 **(d), the holder shall include with the claim evidence sufficient to**
26 **establish that the apparent owner has claimed the property from**
27 **the holder or that the property was delivered by the holder to the**
28 **attorney general in error.**
- 29 **(f) The attorney general may determine that an affidavit**
30 **submitted by a holder is evidence sufficient to establish that the**
31 **holder is entitled to reimbursement or to recover property under**
32 **this section.**
- 33 **(g) A holder is not required to pay a fee or other charge for**
34 **reimbursement or return of property under this section.**
- 35 **(h) Not later than ninety (90) days after a claim is filed under**
36 **subsection (a) or (d), the attorney general shall allow or deny the**
37 **claim and give the claimant notice of the decision in a record. If the**
38 **attorney general does not take action on a claim during the ninety**
39 **(90) day period, the claim is deemed denied.**
- 40 **(i) The claimant may initiate a proceeding under IC 4-21.5 for**
41 **review of the attorney general's decision or the deemed denial**
42 **under subsection (h) not later than:**



1 (1) thirty (30) days following receipt of the notice of the
2 attorney general's decision; or

3 (2) one hundred twenty (120) days following the filing of a
4 claim under subsection (a) or (d) in the case of a deemed
5 denial under subsection (h).

6 (j) A final decision in an administrative proceeding initiated
7 under subsection (i) is subject to judicial review by a trial court
8 with competent jurisdiction.

9 Sec. 34. Property removed from a safe deposit box and delivered
10 to the attorney general under this chapter is subject to the holder's
11 right to reimbursement for the cost of opening the box and a lien
12 or contract providing reimbursement to the holder for unpaid rent
13 charges for the box. The attorney general shall reimburse the
14 holder from the proceeds remaining after deducting the expense
15 incurred by the attorney general in selling the property. If a claim
16 is filed for property removed from a safe deposit box before the
17 property is sold, the owner must provide proof that all unpaid rent
18 and fees have been paid to the financial institution.

19 Sec. 34.5. (a) Notwithstanding section 32(a) of this chapter,
20 United States savings bonds that are presumed abandoned under
21 this chapter escheat to the state subject to the provisions of this
22 chapter. All property rights and legal title to United States savings
23 bonds and proceeds from United States savings bonds vest solely
24 in the state.

25 (b) If:

26 (1) a claim has not been made for a United States savings
27 bond in accordance with the provisions of this chapter within
28 one hundred eighty (180) days after the bond stops earning
29 interest; and

30 (2) the attorney general brings an action in a court with
31 competent jurisdiction;

32 the court shall enter a judgment for the state concerning the bond
33 if the court is satisfied with the evidence that the attorney general
34 has substantially complied with this chapter and the laws of the
35 state.

36 (c) The attorney general shall:

37 (1) collect all United States savings bonds escheated to the
38 state, including any proceeds from the bonds; and

39 (2) transfer all money received to the treasurer of state under
40 section 44 of this chapter.

41 (d) A person who wishes to make a claim for a United States
42 savings bond escheated to the state under this section may file a



1 claim with the attorney general. Upon providing sufficient proof of
 2 the validity of the claim filed under this subsection, the attorney
 3 general may pay the claim, less any expenses and costs that have
 4 been incurred by the state in securing full title and ownership of
 5 the property by escheat.

6 (e) If payment has been made to a claimant under subsection
 7 (d), an action may not be brought or maintained against the state,
 8 or any officer of the state, for or on account of any acts taken by
 9 the attorney general under this section.

10 Sec. 35. (a) If property other than money is delivered to the
 11 attorney general, the owner is entitled to receive from the attorney
 12 general income or gain realized or accrued on the property before
 13 the property is sold. If the property was an interest bearing
 14 demand, savings, or time deposit, the attorney general shall pay
 15 interest at the lesser rate of the average commercial interest rate
 16 for similar interest bearing property, as determined by an
 17 appropriate index, or the rate the property earned while in the
 18 possession of the holder. Interest begins to accrue when the
 19 property is delivered to the attorney general and ends on the date
 20 on which payment is made to the owner.

21 (b) Interest on interest bearing property is not payable under
 22 this section for any period before July 1, 2021, unless authorized by
 23 IC 32-34-1-30.1 before its repeal.

24 Sec. 36. (a) The attorney general may decline to take custody of
 25 property reported under section 20 of this chapter if the attorney
 26 general determines that:

- 27 (1) the property has a value less than the estimated expenses
- 28 of notice and sale of the property; or
- 29 (2) taking custody of the property would be unlawful.

30 (b) A holder may pay or deliver property to the attorney general
 31 before the property is presumed abandoned under this chapter if
 32 the holder:

- 33 (1) sends the apparent owner of the property notice required
- 34 by section 25 of this chapter and provides the attorney general
- 35 evidence of the holder's compliance with this subsection;
- 36 (2) includes with the payment or delivery a report regarding
- 37 the property conforming to section 21 of this chapter; and
- 38 (3) first obtains the attorney general's consent in a record to
- 39 accept payment or delivery.

40 (c) A holder's request for the attorney general's consent under
 41 subsection (b)(3) must be in a record. If the attorney general fails
 42 to respond to the request not later than thirty (30) days after



1 receipt of the request, the attorney general is deemed to have
2 denied the payment or delivery of the property.

3 (d) On payment or delivery of property under subsection (b),
4 the property is presumed abandoned.

5 Sec. 37. (a) If the attorney general takes custody of property
6 delivered under this chapter and later determines that the property
7 has no substantial commercial value or that the cost of disposing
8 of the property will exceed the value of the property, the attorney
9 general may return the property to the holder or destroy or
10 otherwise dispose of the property.

11 (b) An action or proceeding may not be commenced against the
12 state, an agency of the state, the attorney general, another officer,
13 employee, or agent of the state, or a holder for or because of an act
14 of the attorney general under this section, except for intentional
15 misconduct or malfeasance.

16 Sec. 38. (a) Expiration before, on, or after the effective date of
17 this chapter of a period of limitation on an owner's right to receive
18 or recover property, whether specified by contract, statute, or
19 court order, does not prevent the property from being presumed
20 abandoned or affect the duty of the holder under this chapter to
21 file a report or pay or deliver property to the attorney general.

22 (b) The attorney general may not commence an action or
23 proceeding to enforce this chapter with respect to the reporting,
24 payment, or delivery of property more than five (5) years after the
25 holder filed a nonfraudulent report under section 20 of this chapter
26 with the attorney general. The parties may agree in a record to
27 extend the limitation in this subsection.

28 (c) The attorney general may not commence an action,
29 proceeding, or examination with respect to a duty of a holder
30 under this chapter more than ten (10) years after the duty arose.

31 Sec. 39. (a) Subject to section 40 of this chapter, not earlier than
32 three (3) years after receipt of property presumed abandoned, the
33 attorney general may sell the property.

34 (b) Before selling property under subsection (a), the attorney
35 general must give notice to the public of:

- 36 (1) the date of the sale; and
37 (2) a reasonable description of the property.

38 (c) A sale under subsection (a) must be to the highest bidder:

- 39 (1) at public sale at a location in this state which the attorney
40 general determines to be the most favorable market for the
41 property;
42 (2) on the Internet; or



- 1 (3) on another forum the attorney general determines is likely
2 to yield the highest net proceeds of sale.
- 3 (d) The attorney general may decline the highest bid at a sale
4 under this section and reoffer the property for sale if the attorney
5 general determines the highest bid is insufficient.
- 6 (e) If a sale held under this section is to be conducted other than
7 on the Internet, the attorney general must publish at least one (1)
8 notice of the sale, at least three (3) weeks but not more than five (5)
9 weeks before the sale, in a newspaper of general circulation in the
10 county in which the property is sold.
- 11 Sec. 40. (a) The attorney general shall sell a security as soon as
12 reasonably possible.
- 13 (b) The attorney general may not sell a security listed on an
14 established stock exchange for less than the price prevailing on the
15 exchange at the time of sale. The attorney general may sell a
16 security not listed on an established exchange by any commercially
17 reasonable method.
- 18 Sec. 41. If a valid claim is made for a security in the possession
19 of the attorney general, the attorney general shall:
- 20 (1) transfer the security to the claimant; or
21 (2) pay the claimant the value of the security as of the date the
22 security was delivered to the attorney general.
- 23 Sec. 42. A purchaser of property at a sale conducted by the
24 attorney general under this chapter takes the property free of all
25 claims of the owner, a previous holder, or a person claiming
26 through the owner or holder. The attorney general shall execute
27 documents necessary to complete the transfer of ownership to the
28 purchaser.
- 29 Sec. 43. (a) The attorney general may not sell a medal or
30 decoration awarded for military service in the armed forces of the
31 United States.
- 32 (b) The attorney general, with the consent of the respective
33 organization under subdivision (1), agency under subdivision (2),
34 or entity under subdivision (3), may deliver a medal or decoration
35 described in subsection (a) to be held in custody for the owner, to:
- 36 (1) a military veterans organization qualified under Section
37 501(c) of the Internal Revenue Code;
38 (2) the agency that awarded the medal or decoration; or
39 (3) a governmental entity.
- 40 (c) Upon delivery under subsection (b), the attorney general is
41 not responsible for safekeeping the medal or decoration.
- 42 Sec. 44. (a) Except as otherwise provided in this section, the



1 attorney general shall transfer to the treasurer of state for deposit
2 in the abandoned property fund all funds received under this
3 chapter, including proceeds from the sale of property under
4 sections 39 and 40 of this chapter.

5 (b) The attorney general shall maintain an account with an
6 amount of funds the attorney general reasonably estimates is
7 sufficient to pay claims allowed under this chapter. If the aggregate
8 amount of claims by owners allowed at any time exceeds the
9 amount held in the account, an excess claim must be paid out of the
10 state general fund.

11 **Sec. 45. The attorney general shall:**

12 (1) record and retain the name and last known address of
13 each person shown on a report filed under section 20 of this
14 chapter to be the apparent owner of property delivered to the
15 attorney general;

16 (2) record and retain the name and last known address of
17 each insured or annuitant and beneficiary shown on the
18 report;

19 (3) for each policy of insurance or annuity contract listed in
20 the report of an insurance company, record and retain the
21 policy or account number, the name of the company, and the
22 amount due or paid; and

23 (4) for each apparent owner listed in the report, record and
24 retain the name of the holder that filed the report and the
25 amount due or paid.

26 **Sec. 46. (a) Before transferring funds received under this**
27 **chapter to the treasurer of state for deposit in the abandoned**
28 **property fund, the attorney general may deduct:**

29 (1) expenses of disposition of property delivered to the
30 attorney general under this chapter;

31 (2) costs of mailing and publication in connection with
32 property delivered to the attorney general under this chapter;

33 (3) reasonable service charges; and

34 (4) expenses incurred in examining records of or collecting
35 property from a putative holder or holder.

36 (b) If the balance of the principal in the abandoned property
37 fund exceeds five hundred thousand dollars (\$500,000), the
38 treasurer of state may, and at least once each fiscal year shall,
39 transfer to the state general fund the balance of the principal of the
40 abandoned property fund that exceeds five hundred thousand
41 dollars (\$500,000).

42 (c) If a claim is allowed or a refund is ordered under this



1 chapter that is more than five hundred thousand dollars
 2 (\$500,000), the treasurer of state shall transfer from the state
 3 general fund sufficient money to make prompt payment of the
 4 claim. There is annually appropriated to the treasurer of state
 5 from the state general fund the amount of money sufficient to
 6 implement this subsection.

7 (d) Except as provided in subsection (e), earnings on the
 8 abandoned property fund must be credited to the fund.

9 (e) On July 1 of each year, the interest balance in the abandoned
 10 property fund must be transferred to the state general fund.

11 **Sec. 47. Property received by the attorney general under this**
 12 **chapter is held in custody for the benefit of the owner and is not**
 13 **owned by the state.**

14 **Sec. 48. (a) If the attorney general knows that property held by**
 15 **the attorney general under this chapter is subject to a superior**
 16 **claim of another state, the attorney general shall:**

- 17 (1) report and pay or deliver the property to the other state;
 18 (2) return the property to the holder so that the holder may
 19 pay or deliver the property to the other state; or
 20 (3) pay or deliver the property to the owner if the owner
 21 makes a claim while the property is in the custody of the
 22 attorney general.

23 (b) The attorney general is not required to enter into an
 24 agreement to transfer property to the other state under subsection
 25 (a).

26 **Sec. 49. (a) Property held under this chapter by the attorney**
 27 **general is subject to the right of another state to take custody of the**
 28 **property if:**

- 29 (1) the property was paid or delivered to the attorney general
 30 because the records of the holder did not reflect a last known
 31 address in the other state of the apparent owner and:
 32 (A) the other state establishes that the last known address
 33 of the apparent owner or other person entitled to the
 34 property was in the other state; or
 35 (B) under the law of the other state, the property has
 36 become subject to a claim by the other state of
 37 abandonment;
 38 (2) the records of the holder did not accurately identify the
 39 owner of the property, the last known address of the owner
 40 was in another state, and, under the law of the other state, the
 41 property has become subject to a claim by the other state of
 42 abandonment;



1 (3) the property was subject to the custody of the attorney
 2 general of this state under section 17 of this chapter and,
 3 under the law of the state of domicile of the holder, the
 4 property has become subject to a claim by the state of
 5 domicile of the holder of abandonment; or

6 (4) the property:

7 (A) is a sum payable on a traveler's check, money order, or
 8 similar instrument that was purchased in the other state
 9 and delivered to the attorney general under section 18 of
 10 this chapter; and

11 (B) under the law of the other state, has become subject to
 12 a claim by the other state of abandonment.

13 (b) A claim by another state to recover property under this
 14 section must be presented in a form prescribed by the attorney
 15 general, unless the attorney general waives presentation of the
 16 form.

17 (c) The attorney general shall decide a claim under this section
 18 not later than ninety (90) days after it is presented. If the attorney
 19 general determines that the other state is entitled under subsection
 20 (a) to custody of the property, the attorney general shall allow the
 21 claim and pay or deliver the property to the other state.

22 (d) The attorney general may require another state, before
 23 recovering property under this section, to agree to indemnify this
 24 state and its agents, officers, and employees against any liability on
 25 a claim to the property.

26 Sec. 50. (a) A person claiming to be the owner of property held
 27 under this chapter by the attorney general may file a claim for the
 28 property on a form prescribed by the attorney general. The
 29 claimant must verify the claim as to its completeness and accuracy.

30 (b) The attorney general may waive the requirement in
 31 subsection (a) and may pay or deliver property directly to a person
 32 if:

33 (1) the person receiving the property or payment is shown to
 34 be the apparent owner included on a report filed under
 35 section 20 of this chapter;

36 (2) the attorney general reasonably believes the person is
 37 entitled to receive the property or payment; and

38 (3) the property has a value of less than one thousand dollars
 39 (\$1,000).

40 (c) A person may file a claim under subsection (a) at any time
 41 not later than twenty-five (25) years after the date on which the
 42 property is presumed abandoned under this chapter,



1 notwithstanding the expiration of any other time period specified
 2 by statute, contract, or court order during which an action or a
 3 proceeding may be commenced or enforced to obtain payment of
 4 a claim for money or recovery of property.

5 Sec. 51. (a) The attorney general shall pay or deliver property
 6 to a claimant under section 50(a) of this chapter if the attorney
 7 general receives evidence sufficient to establish to the satisfaction
 8 of the attorney general that the claimant is the owner of the
 9 property.

10 (b) Not later than ninety (90) days after a claim is filed under
 11 section 50(a) of this chapter, the attorney general shall allow or
 12 deny the claim and give the claimant notice in a record of the
 13 decision.

14 (c) If the claim is denied under subsection (b):

15 (1) the attorney general shall inform the claimant of the
 16 reason for the denial and specify what additional evidence, if
 17 any, is required for the claim to be allowed;

18 (2) the claimant may file an amended claim with the attorney
 19 general or commence an action under section 53 of this
 20 chapter; and

21 (3) the attorney general shall consider an amended claim filed
 22 under subdivision (2) as an initial claim.

23 (d) If the attorney general does not take action on a claim
 24 during the ninety (90) day period following the filing of a claim
 25 under section 50(a) of this chapter, the claim is deemed denied.

26 Sec. 52. (a) Not later than thirty (30) days after a claim is
 27 allowed under section 51(b) of this chapter, the attorney general
 28 shall pay or deliver to the owner the property or pay to the owner
 29 the net proceeds of a sale of the property, together with income or
 30 gain to which the owner is entitled under section 35 of this chapter.

31 (b) Property held under this chapter by the attorney general is
 32 subject to a claim for the payment of an enforceable debt the
 33 owner owes in this state for:

34 (1) child support arrearages, including child support
 35 collection costs and child support arrearages that are
 36 combined with maintenance;

37 (2) a civil or criminal fine or penalty, court costs, surcharge,
 38 or restitution imposed by a final order of an administrative
 39 agency or a final court judgment; or

40 (3) state or local taxes, penalties, and interest that have been
 41 determined to be delinquent or as to which notice has been
 42 recorded with the local taxing authority.



1 (c) Before delivery or payment to an owner under subsection (a)
2 of property or payment to the owner of net proceeds of a sale of the
3 property, the attorney general first shall apply the property or net
4 proceeds to a debt under subsection (b) the attorney general
5 determines is owed by the owner. The attorney general shall pay
6 the amount to the appropriate state or local agency.

7 (d) The attorney general may make periodic inquiries of state
8 and local agencies in the absence of a claim filed under section 50
9 of this chapter to determine whether an apparent owner included
10 in the unclaimed property records of this state has enforceable
11 debts described in subsection (b). The attorney general first shall
12 apply the property or net proceeds of a sale of property held by the
13 attorney general to a debt under subsection (b) of an apparent
14 owner which appears in the records of the attorney general and
15 deliver the amount to the appropriate state or local agency.

16 Sec. 53. Not later than one (1) year after filing a claim under
17 section 50(a) of this chapter, the claimant may commence an action
18 against the attorney general in a court with jurisdiction to establish
19 a claim that has been denied or deemed denied under section 51(d)
20 of this chapter.

21 Sec. 54. If a person does not file a report required by section 20
22 of this chapter or the attorney general believes that a person may
23 have filed an inaccurate, incomplete, or false report, the attorney
24 general may require the person to file a verified report in a form
25 prescribed by the attorney general. The verified report must:

- 26 (1) state whether the person is holding property reportable
27 under this chapter;
28 (2) describe property not previously reported or about which
29 the attorney general has inquired;
30 (3) specifically identify property described under subdivision
31 (2) about which there is a dispute whether it is reportable
32 under this chapter; and
33 (4) state the amount or value of the property.

34 Sec. 55. The attorney general, at reasonable times and with
35 reasonable notice, may:

- 36 (1) examine the records of a person, including examination of
37 appropriate records in the possession of an agent of the
38 person under examination, if the records are reasonably
39 necessary to determine whether the person has complied with
40 this chapter;
41 (2) issue an administrative subpoena requiring the person or
42 agent of the person to make records available for



1 examination; and

2 (3) bring an action seeking judicial enforcement of the
3 subpoena.

4 **Sec. 56. (a) The attorney general may adopt rules under**
5 **IC 4-22-2 governing procedures and standards for an examination**
6 **under section 55 of this chapter, including rules for use of an**
7 **estimation, extrapolation, and statistical sampling in conducting an**
8 **examination.**

9 (b) An examination under section 55 of this chapter must be
10 performed under rules adopted under subsection (a) and with
11 generally accepted examination practices and standards applicable
12 to an unclaimed property examination.

13 (c) If a person subject to examination under section 55 of this
14 chapter has filed the reports required under sections 20 and 54 of
15 this chapter and has retained the records required by section 23 of
16 this chapter, the following rules apply:

17 (1) The examination must include a review of the person's
18 records.

19 (2) The examination may not be based on an estimate unless
20 the person expressly consents in a record to the use of an
21 estimate.

22 (3) The person conducting the examination shall consider the
23 evidence presented in good faith by the person in preparing
24 the findings of the examination under section 60 of this
25 chapter.

26 **Sec. 57. Records obtained and records, including work papers,**
27 **compiled by the attorney general in the course of conducting an**
28 **examination under section 55 of this chapter:**

29 (1) are subject to the confidentiality and security provisions
30 of sections 79, 80, 81, 82, 83, 84, 85, and 86 of this chapter;

31 (2) may be used by the attorney general in an action to collect
32 property or otherwise enforce this chapter;

33 (3) may be used in a joint examination conducted with
34 another state, the United States, a foreign country or
35 subordinate unit of a foreign country, or any other
36 governmental entity if the governmental entity conducting the
37 examination is legally bound to maintain the confidentiality
38 and security of information obtained from a person subject to
39 examination in a manner substantially equivalent to sections
40 79, 80, 81, 82, 83, 84, 85, and 86 of this chapter;

41 (4) must be disclosed, on request, to the person that
42 administers the unclaimed property law of another state for



1 that state's use in circumstances equivalent to circumstances
 2 described in sections 79, 80, 81, 82, 83, 84, 85, and 86 of this
 3 chapter, if the other state is required to maintain the
 4 confidentiality and security of information obtained in a
 5 manner substantially equivalent to sections 79, 80, 81, 82, 83,
 6 84, 85, and 86 of this chapter;

7 (5) must be produced by the attorney general under an
 8 administrative or judicial subpoena or administrative or
 9 court order; and

10 (6) must be produced by the attorney general on request of
 11 the person subject to the examination in an administrative or
 12 judicial proceeding relating to the property.

13 **Sec. 58. (a) A record of a putative holder showing an unpaid**
 14 **debt or undischarged obligation is prima facie evidence of the debt**
 15 **or obligation.**

16 (b) A putative holder may establish by a preponderance of the
 17 evidence that there is no unpaid debt or undischarged obligation
 18 for a debt or obligation described in subsection (a) or that the debt
 19 or obligation was not, or no longer is, a fixed and certain obligation
 20 of the putative holder.

21 (c) A putative holder may overcome prima facie evidence under
 22 subsection (a) by establishing by a preponderance of the evidence
 23 that a check, draft, or similar instrument was:

24 (1) issued as an unaccepted offer in settlement of an
 25 unliquidated amount;

26 (2) issued but later was replaced with another instrument
 27 because the earlier instrument was lost or contained an error
 28 that was corrected;

29 (3) issued to a party affiliated with the issuer;

30 (4) paid, satisfied, or discharged;

31 (5) issued in error;

32 (6) issued without consideration;

33 (7) issued but there was a failure of consideration;

34 (8) voided not later than ninety (90) days after issuance for a
 35 valid business reason set forth in a contemporaneous record;
 36 or

37 (9) issued but not delivered to the third party payee for a
 38 sufficient reason recorded within a reasonable time after
 39 issuance.

40 (d) In asserting a defense under this section, a putative holder
 41 may present evidence of a course of dealing between the putative
 42 holder and the apparent owner or of custom and practice.



1 **Sec. 59.** If a person subject to examination under section 55 of
 2 this chapter does not retain the records required by section 23 of
 3 this chapter, the attorney general may determine the value of
 4 property due using a reasonable method of estimation based on all
 5 information available to the attorney general, including
 6 extrapolation and use of statistical sampling when appropriate and
 7 necessary, consistent with examination procedures and standards
 8 under section 56 of this chapter.

9 **Sec. 60.** At the conclusion of an examination under section 55 of
 10 this chapter, the attorney general or the attorney general's agent
 11 shall provide to the person whose records were examined a
 12 complete and unredacted examination report that specifies:

13 (1) the work performed;

14 (2) the property types reviewed;

15 (3) the methodology of any estimation technique,
 16 extrapolation, or statistical sampling used in conducting the
 17 examination;

18 (4) each calculation showing the value of property determined
 19 to be due; and

20 (5) the findings of the person conducting the examination.

21 **Sec. 61. (a)** If a person subject to examination under section 55
 22 of this chapter believes the person conducting the examination has
 23 made an unreasonable or unauthorized request or is not
 24 proceeding expeditiously to complete the examination, the person
 25 in a record may ask the attorney general to intervene and take
 26 appropriate remedial action, including countermanding the
 27 request of the person conducting the examination, imposing a time
 28 limit for completion of the examination, or reassigning the
 29 examination to another person.

30 (b) If a person in a record requests a conference with the
 31 attorney general to present matters that are the basis of a request
 32 under subsection (a), the attorney general shall hold the conference
 33 not later than thirty (30) days after receiving the request. The
 34 attorney general may hold the conference in person, by telephone,
 35 or by electronic means.

36 (c) If a conference is held under subsection (b), not later than
 37 thirty (30) days after the conference ends, the attorney general
 38 shall provide a report in a record of the conference to the person
 39 that requested the conference.

40 **Sec. 62. (a)** As used in this section, "related to the attorney
 41 general" means an individual who is:

42 (1) the attorney general's spouse, partner in a civil union,



- 1 domestic partner, or reciprocal beneficiary;
 2 (2) the attorney general's child, stepchild, grandchild, parent,
 3 stepparent, sibling, stepsibling, half-sibling, aunt, uncle, niece,
 4 or nephew;
 5 (3) a spouse, partner in a civil union, domestic partner, or
 6 reciprocal beneficiary of an individual under subdivision (2);
 7 or
 8 (4) any individual residing in the attorney general's
 9 household.
- 10 (b) The attorney general may contract with a person to conduct
 11 an examination under this chapter. The contract may be awarded
 12 only under IC 5-22.
- 13 (c) If the person with which the attorney general contracts
 14 under subsection (b) is:
- 15 (1) an individual, the individual may not be related to the
 16 attorney general; or
 17 (2) a business entity, the entity may not be owned in whole or
 18 in part by the attorney general or an individual related to the
 19 attorney general.
- 20 (d) At least sixty (60) days before assigning a person under
 21 contract with the attorney general under subsection (b) to conduct
 22 an examination, the attorney general shall demand in a record that
 23 the person to be examined submit a report and deliver property
 24 that is previously unreported.
- 25 (e) If the attorney general contracts with a person under
 26 subsection (b):
- 27 (1) the contract may provide for compensation of the person
 28 based on a fixed fee, hourly fee, or contingent fee;
 29 (2) a contingent fee arrangement may not provide for a
 30 payment that exceeds ten percent (10%) of the amount or
 31 value of property paid or delivered as a result of the
 32 examination; and
 33 (3) on request by a person subject to examination by a
 34 contractor, the attorney general shall deliver to the person a
 35 complete and unredacted copy of the contract and any
 36 contract between the contractor and a person employed or
 37 engaged by the contractor to conduct the examination.
- 38 (f) A contract under subsection (b) is subject to public disclosure
 39 without redaction under IC 5-14-3.
- 40 Sec. 63. The attorney general or an individual employed by the
 41 attorney general who participates in, recommends, or approves the
 42 award of a contract under section 62(b) of this chapter on or after



1 July 1, 2021, is subject to the ethics and conflicts of interest
2 provisions under IC 4-2-6.

3 Sec. 64. (a) Not later than three (3) months after the end of the
4 fiscal year, the attorney general shall compile and submit a report
5 to the treasurer of state. The report must contain the following
6 information about property presumed abandoned for the
7 preceding fiscal year for the state:

8 (1) The total amount and value of all property paid or
9 delivered under this act to the attorney general, separated
10 into the following:

11 (A) The part voluntarily paid and delivered.

12 (B) The part paid or delivered as a result of an
13 examination under section 55 of this chapter, separated
14 into the following:

15 (i) The part received as a result of an examination
16 conducted by a state employee.

17 (ii) The part received as a result of an examination
18 conducted by a contractor under section 62 of this
19 chapter.

20 (2) The name of and amount paid to each contractor under
21 section 62 of this chapter and the percentage of the total
22 compensation paid to all contractors under section 62 of this
23 chapter bears to the total amount paid or delivered to the
24 attorney general as a result of all examinations performed
25 under section 62 of this chapter.

26 (3) The total amount and value of all property paid or
27 delivered by the attorney general to persons that made claims
28 for property held by the attorney general under this chapter
29 and the percentage the total payments made and value of
30 property delivered to claimants bears to the total amounts
31 paid and value delivered to the attorney general.

32 (4) The total amount of claims made by persons claiming to be
33 owners which were denied, were allowed, and are pending.

34 (b) The report under subsection (a) is a public record subject to
35 public disclosure without redaction under IC 5-14-3.

36 Sec. 65. If the attorney general determines from an examination
37 conducted under section 55 of this chapter that a putative holder
38 failed or refused to pay or deliver to the attorney general property
39 which is reportable under this chapter, the attorney general shall
40 issue a determination of the putative holder's liability to pay or
41 deliver and give notice in a record to the putative holder of the
42 determination.



1 **Sec. 66. (a) Not later than thirty (30) days after receipt of a**
2 **notice under section 65 of this chapter, the putative holder may**
3 **request an informal conference with the attorney general to review**
4 **the determination. Except as otherwise provided in this section, the**
5 **attorney general may designate an employee to act on behalf of the**
6 **attorney general.**

7 **(b) If a putative holder makes a timely request under subsection**
8 **(a) for an informal conference:**

9 **(1) not later than twenty (20) days after the date of the**
10 **request, the attorney general shall set the time and place of**
11 **the conference;**

12 **(2) the attorney general shall give the putative holder notice**
13 **in a record of the time and place of the conference;**

14 **(3) the conference may be held in person, by telephone, or by**
15 **electronic means, as determined by the attorney general;**

16 **(4) the request tolls the ninety (90) day period under sections**
17 **68 and 69 of this chapter until notice of a decision under**
18 **subdivision (7) has been given to the putative holder or the**
19 **putative holder withdraws the request for the conference;**

20 **(5) the conference may be postponed, adjourned, and**
21 **reconvened as the attorney general deems appropriate;**

22 **(6) the attorney general or the attorney general's designee**
23 **with the approval of the attorney general may modify or**
24 **withdraw a determination made under section 65 of this**
25 **chapter; and**

26 **(7) the attorney general shall issue a decision in a record and**
27 **provide a copy of the record to the putative holder and**
28 **examiner not later than twenty (20) days after the conference**
29 **ends.**

30 **(c) A conference under subsection (b) is not an administrative**
31 **remedy and is not a contested case subject to IC 4-21.5. An oath is**
32 **not required and rules of evidence do not apply in the conference.**

33 **(d) At a conference under subsection (b), the putative holder**
34 **must be given an opportunity to confer informally with the**
35 **attorney general and the person that examined the records of the**
36 **putative holder to:**

37 **(1) discuss the determination made under section 65 of this**
38 **chapter; and**

39 **(2) present any issue concerning the validity of the**
40 **determination.**

41 **(e) If the attorney general fails to act within the period**
42 **prescribed in subsection (b)(1) or (b)(7), the failure does not affect**



1 a right of the attorney general, except that interest does not accrue
 2 on the amount for which the putative holder was determined to be
 3 liable under section 65 of this chapter during the period in which
 4 the attorney general failed to act until the earlier of:

5 (1) the date the putative holder initiates administrative review
 6 under section 68 of this chapter or files an action under
 7 section 69 of this chapter; or

8 (2) ninety (90) days after the putative holder received notice
 9 of the attorney general's determination under section 65 of
 10 this chapter if no review was initiated under section 68 of this
 11 chapter and no action was filed under section 69 of this
 12 chapter.

13 (f) The attorney general may hold an informal conference with
 14 a putative holder about a determination under section 65 of this
 15 chapter without a request at any time before the putative holder
 16 initiates administrative review under section 68 of this chapter or
 17 files an action under section 69 of this chapter.

18 (g) Interest and penalties under section 73 of this chapter
 19 continue to accrue on property not reported, paid, or delivered as
 20 required by this chapter after the initiation, and during the
 21 pendency, of an informal conference under this section.

22 Sec. 67. A putative holder may seek relief from a determination
 23 under section 65 of this chapter by:

24 (1) administrative review under section 68 of this chapter;
 25 and

26 (2) after the administrative remedies under section 68 of this
 27 chapter are exhausted, judicial review under section 69 of this
 28 chapter.

29 Sec. 68. (a) Not later than ninety (90) days after receiving notice
 30 of the attorney general's determination under section 65 of this
 31 chapter, a putative holder may initiate a proceeding under
 32 IC 4-21.5 for review of the attorney general's determination.

33 (b) A final decision in an administrative proceeding initiated
 34 under subsection (a) is subject to judicial review by a court with
 35 jurisdiction.

36 Sec. 69. (a) Not later than ninety (90) days after the putative
 37 holder has exhausted the administrative remedies available in
 38 section 68 of this chapter, the putative holder may:

39 (1) file an action against the attorney general in a court with
 40 jurisdiction challenging the attorney general's determination
 41 of liability and seeking a declaration that the determination is
 42 unenforceable, in whole or in part; or



1 (2) pay the amount or deliver the property determined by the
 2 attorney general to be paid or delivered to the attorney
 3 general and, not later than six (6) months after payment or
 4 delivery, file an action against the attorney general in a court
 5 with jurisdiction for a refund of all or part of the amount paid
 6 or return of all or part of the property delivered.

7 (b) If a putative holder pays or delivers property the attorney
 8 general determined must be paid or delivered to the attorney
 9 general at any time after the putative holder files an action under
 10 subsection (a)(1), the court shall continue the action as if it had
 11 been filed originally as an action for a refund or return of property
 12 under subsection (a)(2).

13 (c) Upon the final determination of an action filed under
 14 subsection (a), the court may award reasonable attorney's fees to
 15 a putative holder that prevails in an action under this section.

16 (d) A putative holder that prevails in an action under subsection
 17 (a)(2) for a refund of money paid to the attorney general is entitled
 18 to interest on the amount refunded, at the same rate a holder is
 19 required to pay to the attorney general under section 73(a) of this
 20 chapter, from the date paid to the attorney general until the date
 21 of the refund.

22 Sec. 70. If a determination under section 65 of this chapter
 23 becomes final and is not subject to administrative or judicial
 24 review, the attorney general may commence an action in a court
 25 with jurisdiction over the defendant to enforce the determination
 26 and secure payment or delivery of past due, unpaid, or undelivered
 27 property. The action must be brought not later than one (1) year
 28 after the determination becomes final.

29 Sec. 71. (a) Subject to subsection (b), the attorney general may:

30 (1) exchange information with another state or foreign
 31 country relating to property presumed abandoned or relating
 32 to the possible existence of property presumed abandoned;
 33 and

34 (2) authorize in a record another state or foreign country or
 35 a person acting on behalf of the other state or country to
 36 examine its records of a putative holder under sections 54, 55,
 37 56, 57, 58, 59, 60, 61, 62, 63, and 64 of this chapter.

38 (b) An exchange or examination under subsection (a) may be
 39 done only if the state or foreign country has confidentiality and
 40 security requirements substantially equivalent to those in sections
 41 79, 80, 81, 82, 83, 84, 85, and 86 of this chapter or agrees in a
 42 record to be bound by this state's confidentiality and security



1 requirements.

2 **Sec. 72. (a) The attorney general may join another state or**
 3 **foreign country to examine and seek enforcement of this chapter**
 4 **against a putative holder.**

5 **(b) On request of another state or foreign country, the attorney**
 6 **general may commence action on behalf of the other state or**
 7 **country to enforce, in this state, the law of the other state or**
 8 **country against a putative holder subject to a claim by the other**
 9 **state or country, if the other state or country agrees to pay the**
 10 **costs incurred by the attorney general in the action.**

11 **(c) The attorney general may request the official authorized to**
 12 **enforce the unclaimed property law of another state or foreign**
 13 **country to commence an action to recover property in the other**
 14 **state or country on behalf of the attorney general. The state shall**
 15 **pay all the costs, including reasonable attorney's fees and expenses,**
 16 **incurred by the other state or foreign country in an action under**
 17 **this subsection.**

18 **(d) The attorney general may pursue an action on behalf of this**
 19 **state to recover property subject to this chapter but delivered to**
 20 **the custody of another state if the attorney general believes the**
 21 **property is subject to the custody of the attorney general.**

22 **(e) The attorney general may retain an attorney in this state,**
 23 **another state, or a foreign country to commence an action to**
 24 **recover property on behalf of the attorney general and may agree**
 25 **to pay attorney's fees based in whole or in part on a fixed fee,**
 26 **hourly fee, or a percentage of the amount or value of property**
 27 **recovered in the action.**

28 **(f) Expenses incurred by the state in an action under this section**
 29 **may be paid from property received under this chapter or the net**
 30 **proceeds of the property. Expenses paid to recover property may**
 31 **not be deducted from the amount that is subject to a claim under**
 32 **this chapter by the owner.**

33 **Sec. 73. (a) A holder that fails to report, pay, or deliver property**
 34 **within the time prescribed by this chapter shall pay to the attorney**
 35 **general interest at the following rates:**

36 **(1) The annual interest rate for a period of one (1) year or less**
 37 **after the time required by this chapter for reporting,**
 38 **payment, or delivery of property is the one (1) year Treasury**
 39 **Bill rate published in The Wall Street Journal or its successor**
 40 **on the third Tuesday of the month in which the remittance**
 41 **was due, plus one (1) percentage point.**

42 **(2) The interest rate for each year after the initial year to**



1 which subdivision (1) applies is the one (1) year Treasury Bill
2 rate published in The Wall Street Journal or its successor on
3 the third Thursday of the month immediately preceding the
4 anniversary of the due date, plus one (1) percentage point.

5 (b) Except as otherwise provided in sections 74 and 75 of this
6 chapter, the attorney general may require a holder that fails to
7 report, pay, or deliver property within the time prescribed by this
8 chapter to pay to the attorney general, in addition to interest under
9 subsection (a), a civil penalty of two hundred dollars (\$200) for
10 each day the duty is not performed, up to a cumulative maximum
11 of five thousand dollars (\$5,000).

12 Sec. 74. (a) If a holder enters into a contract or other
13 arrangement for the purpose of evading an obligation under this
14 chapter or otherwise willfully fails to perform a duty imposed on
15 the holder under this chapter, the attorney general may require the
16 holder to pay the attorney general, in addition to interest under
17 section 73(a) of this chapter, a civil penalty of one thousand dollars
18 (\$1,000) for each day the obligation is evaded or the duty is not
19 performed, up to a cumulative maximum amount of twenty-five
20 thousand dollars (\$25,000), plus twenty-five percent (25%) of the
21 amount or value of property that should have been but was not
22 reported, paid, or delivered as a result of the evasion or failure to
23 perform.

24 (b) If a holder makes a fraudulent report under this chapter, the
25 attorney general may require the holder to pay to the attorney
26 general, in addition to interest under section 73(a) of this chapter,
27 a civil penalty of one thousand dollars (\$1,000) for each day from
28 the date the report was made until corrected, up to a cumulative
29 maximum of twenty-five thousand dollars (\$25,000), plus
30 twenty-five percent (25%) of the amount or value of any property
31 that should have been reported but was not included in the report
32 or was underreported.

33 Sec. 75. The attorney general shall waive interest under section
34 73(a) of this chapter and penalties under sections 73(b) and 74 of
35 this chapter if the attorney general determines the holder acted in
36 good faith and without negligence.

37 Sec. 76. An agreement by an apparent owner and another
38 person, the primary purpose of which is to locate, deliver, recover,
39 or assist in the location, delivery, or recovery of property held by
40 the attorney general, is enforceable only if the agreement:

41 (1) is in a record that clearly states the nature of the property
42 and the services to be provided;



- 1 (2) is signed by or on behalf of the apparent owner;
 2 (3) states the amount or value of the property reasonably
 3 expected to be recovered, computed before and after a fee or
 4 other compensation to be paid to the person has been
 5 deducted; and
 6 (4) informs the apparent owner that a claim for property held
 7 by the attorney general may be made without charge through
 8 the attorney general's office.

9 Sec. 77. (a) Subject to subsection (b), an agreement under
 10 section 76 of this chapter is void if it is entered into during the
 11 period beginning on the date the property was paid or delivered by
 12 a holder to the attorney general and ending twenty-four (24)
 13 months after the payment or delivery.

14 (b) If a provision in an agreement described in subsection (a)
 15 applies to mineral proceeds for which compensation is to be paid
 16 to the other person based in whole or in part on a part of the
 17 underlying minerals or mineral proceeds not then presumed
 18 abandoned, the provision is void regardless of when the agreement
 19 was entered into.

20 (c) An agreement under subsection (a) which provides for
 21 compensation in an amount that is unconscionable is unenforceable
 22 except by the apparent owner. Compensation for an agreement
 23 under subsection (a) is unconscionable if the fee or compensation
 24 is more than ten percent (10%) of the amount collected, unless the
 25 amount collected is fifty dollars (\$50) or less, and may not exceed
 26 five thousand dollars (\$5,000). An apparent owner that believes the
 27 compensation the apparent owner has agreed to pay is
 28 unconscionable or the attorney general, acting on behalf of an
 29 apparent owner, or both, may file an action in a court with
 30 jurisdiction to reduce the compensation to the maximum amount
 31 that is not unconscionable. An apparent owner that prevails in an
 32 action under this subsection may be awarded reasonable attorney's
 33 fees.

34 (d) An apparent owner or the attorney general may assert that
 35 an agreement described in this section is void on a ground other
 36 than it provides for payment of unconscionable compensation.

37 (e) This section does not apply to an apparent owner's
 38 agreement with an attorney to pursue a claim for recovery of
 39 specifically identified property held by the attorney general or to
 40 contest the attorney general's denial of a claim for recovery of the
 41 property.

42 Sec. 78. (a) An apparent owner that contracts with another



1 person to locate, deliver, recover, or assist in the location, delivery,
 2 or recovery of property of the apparent owner which is held by the
 3 attorney general may designate the person as the agent of the
 4 apparent owner. The designation must be in a record signed by the
 5 apparent owner.

6 (b) The attorney general shall give the agent of the apparent
 7 owner all information concerning the property which the apparent
 8 owner is entitled to receive, including information that otherwise
 9 is confidential information under section 80 of this chapter.

10 (c) If authorized by the apparent owner, the agent of the
 11 apparent owner may bring an action against the attorney general
 12 on behalf of and in the name of the apparent owner.

13 Sec. 79. (a) As used in this section and sections 80, 81, 82, 83, 84,
 14 85, and 86 of this chapter, "personal information" means:

15 (1) information that identifies or reasonably can be used to
 16 identify an individual, such as first and last name in
 17 combination with the individual's:

18 (A) Social Security number or other government issued
 19 number or identifier;

20 (B) date of birth;

21 (C) home or physical address;

22 (D) electronic mail address or other online contact
 23 information or Internet provider address;

24 (E) financial account number or credit or debit card
 25 number;

26 (F) biometric data, health or medical data, or insurance
 27 information; or

28 (G) passwords or other credentials that permit access to an
 29 online or other account;

30 (2) personally identifiable financial or insurance information,
 31 including nonpublic personal information defined by
 32 applicable federal law; and

33 (3) any combination of data that, if accessed, disclosed,
 34 modified, or destroyed without authorization of the owner of
 35 the data or if lost or misused, would require notice or
 36 reporting under IC 4-1-11 and federal privacy and data
 37 security law, whether or not the attorney general or the
 38 attorney general's agent is subject to the law.

39 (b) A provision of this section and sections 80, 81, 82, 83, 84, 85,
 40 and 86 of this chapter that applies to the attorney general or the
 41 attorney general's records also applies to the attorney general's
 42 agent.



1 **Sec. 80. (a) Except as otherwise provided in this chapter, the**
2 **following are confidential and are exempt from public inspection**
3 **or disclosure:**

4 **(1) Records of the attorney general and the attorney general's**
5 **agent related to the administration of this chapter.**

6 **(2) Reports and records of a holder in possession of the**
7 **attorney general or the attorney general's agent.**

8 **(3) Personal information and other information derived or**
9 **otherwise obtained by or communicated to the attorney**
10 **general or the attorney general's agent from an examination**
11 **under this chapter of the records of a person.**

12 **(b) A record or other information that is confidential under law**
13 **of this state other than this chapter, another state, or the United**
14 **States continues to be confidential when disclosed or delivered**
15 **under this chapter to the attorney general or the attorney general's**
16 **agent.**

17 **Sec. 81. (a) When reasonably necessary to enforce or implement**
18 **this chapter, the attorney general may disclose confidential**
19 **information concerning property held by the attorney general or**
20 **the attorney general's agent only to:**

21 **(1) an apparent owner or the apparent owner's personal**
22 **representative, attorney, other legal representative, relative,**
23 **or agent designated under section 78 of this chapter to have**
24 **the information;**

25 **(2) the personal representative, other legal representative,**
26 **relative of a deceased apparent owner, agent designated under**
27 **section 78 of this chapter by the deceased apparent owner, or**
28 **a person entitled to inherit from the deceased apparent**
29 **owner;**

30 **(3) another department or agency of this state or the United**
31 **States;**

32 **(4) the person that administers the unclaimed property law of**
33 **another state, if the other state accords substantially**
34 **reciprocal privileges to the attorney general of this state if the**
35 **other state is required to maintain the confidentiality and**
36 **security of information obtained in a manner substantially**
37 **equivalent to sections 79, 80, 81, 82, 83, 84, 85, and 86 of this**
38 **chapter; and**

39 **(5) a person subject to an examination under section 57(6) of**
40 **this chapter.**

41 **(b) Except as otherwise provided in section 80(a) of this chapter,**
42 **the attorney general shall include on the Internet web site or in the**



1 data base required by section 27(a)(2) of this chapter the name of
 2 each apparent owner of property held by the attorney general. The
 3 attorney general may include in published notices, printed
 4 publications, telecommunications, the Internet, or other media and
 5 on the Internet web site or in the data base additional information
 6 concerning the apparent owner's property if the attorney general
 7 believes the information will assist in identifying and returning
 8 property to the owner and does not disclose personal information
 9 except the home or physical address of an apparent owner.

10 (c) The attorney general and the attorney general's agent may
 11 not use confidential information provided to them or in their
 12 possession except as expressly authorized by this chapter or
 13 required by another law of this state.

14 **Sec. 82.** A person to be examined under section 55 of this
 15 chapter may require, as a condition of disclosure of the records of
 16 the person to be examined, that each person having access to the
 17 records disclosed in the examination execute and deliver to the
 18 person to be examined a confidentiality agreement that:

19 (1) is in a form that is reasonably satisfactory to the attorney
 20 general; and

21 (2) requires the person having access to the records to comply
 22 with the provisions of this section and sections 79, 80, 81, 83,
 23 84, 85, and 86 of this chapter applicable to the person.

24 **Sec. 83.** Except as otherwise provided in sections 25 and 26 of
 25 this chapter, a holder is not required to include confidential
 26 information in a notice the holder is required to provide to an
 27 apparent owner under this chapter.

28 **Sec. 84. (a)** If a holder is required to include confidential
 29 information in a report to the attorney general, the information
 30 must be provided by a secure means.

31 (b) If confidential information in a record is provided to and
 32 maintained by the attorney general or the attorney general's agent
 33 as required by this chapter, the attorney general or the attorney
 34 general's agent shall:

35 (1) implement administrative, technical, and physical
 36 safeguards to protect the security, confidentiality, and
 37 integrity of the information required by IC 4-1-11 and federal
 38 privacy and data security law whether or not the attorney
 39 general or the attorney general's agent is subject to the law;

40 (2) protect against reasonably anticipated threats or hazards
 41 to the security, confidentiality, or integrity of the information;
 42 and



1 (3) protect against unauthorized access to or use of the
 2 information which could result in substantial harm or
 3 inconvenience to a holder or the holder's customers, including
 4 insureds, annuitants, and policy or contract owners and their
 5 beneficiaries.

6 (c) The attorney general:

7 (1) after notice and comment, shall adopt and implement a
 8 security plan that identifies and assesses reasonably
 9 foreseeable internal and external risks to confidential
 10 information in the attorney general's possession and seeks to
 11 mitigate the risks; and

12 (2) shall ensure that the attorney general's agent adopts and
 13 implements a similar plan with respect to confidential
 14 information in the agent's possession.

15 (d) The attorney general and the attorney general's agent shall
 16 educate and train their employees regarding the plan adopted
 17 under subsection (c).

18 (e) The attorney general and the attorney general's agent shall
 19 in a secure manner return or destroy all confidential information
 20 no longer reasonably needed under this chapter.

21 Sec. 85. (a) Except to the extent prohibited by law other than
 22 this chapter, the attorney general or the attorney general's agent
 23 shall notify a holder as soon as practicable of:

24 (1) a suspected loss, misuse or unauthorized access, disclosure,
 25 modification, or destruction of confidential information
 26 obtained from the holder in the possession of the attorney
 27 general or the attorney general's agent; and

28 (2) any interference with operations in any system hosting or
 29 housing confidential information which:

30 (A) compromises the security, confidentiality, or integrity
 31 of the information; or

32 (B) creates a substantial risk of identity fraud or theft.

33 (b) The attorney general and the attorney general's agent must
 34 comply with the requirements of IC 4-1-10 and IC 4-1-11 if an
 35 event described in subsection (a) leads to the disclosure of
 36 confidential information.

37 (c) If an event described in subsection (a) occurs, the attorney
 38 general and the attorney general's agent shall:

39 (1) take action necessary for the holder to understand and
 40 minimize the effect of the event and determine its scope; and

41 (2) cooperate with the holder with respect to:

42 (A) any notification required by law concerning a data or



1 other security breach; and

2 **(B) a regulatory inquiry, litigation, or similar action.**

3 **Sec. 86. (a) If a claim is made or action commenced arising out**
 4 **of an event described in section 85(a) of this chapter relating to**
 5 **confidential information possessed by the attorney general's agent,**
 6 **the attorney general's agent shall indemnify, defend, and hold**
 7 **harmless a holder and the holder's affiliates, officers, directors,**
 8 **employees, and agents as to:**

9 **(1) any claim or action; and**

10 **(2) a liability, obligation, loss, damage, cost, fee, penalty, fine,**
 11 **settlement, charge, or other expense, including reasonable**
 12 **attorney's fees and costs, established by the claim or action.**

13 **(b) The attorney general shall require an agent that will receive**
 14 **confidential information required under this chapter to maintain**
 15 **adequate insurance for the indemnification obligations under**
 16 **subsection (a). The agent required to maintain the insurance shall**
 17 **provide evidence of the insurance to:**

18 **(1) the attorney general not less frequently than annually; and**

19 **(2) the holder on commencement of an examination and**
 20 **annually thereafter until all confidential information is**
 21 **returned or destroyed under section 84(e) of this chapter.**

22 **Sec. 87. In applying and construing this chapter, consideration**
 23 **must be given to the need to promote uniformity of the law with**
 24 **respect to its subject matter among states that enact it.**

25 **Sec. 88. This chapter modifies, limits, or supersedes the**
 26 **Electronic Signatures in Global and National Commerce Act (15**
 27 **U.S.C. 7001 et seq.), but does not modify, limit, or supersede**
 28 **Section 101(c) of that act (15 U.S.C. 7001(c)), or authorize**
 29 **electronic delivery of any of the notices described in Section 103(b)**
 30 **of that act (15 U.S.C. 7003(b)).**

31 **Sec. 89. (a) For property that was not required to be reported**
 32 **before July 1, 2021, the following requirements apply:**

33 **(1) Between July 1, 2023, and June 30, 2032, an initial report**
 34 **filed under this chapter must include property that:**

35 **(A) was not required to be reported before July 1, 2021;**
 36 **and**

37 **(B) did not become presumed abandoned until after**
 38 **January 1, 2022.**

39 **(2) After June 30, 2032, an initial report filed under this**
 40 **chapter must include all items of property, including property**
 41 **that was not required to be reported before July 1, 2021, that**
 42 **would have been presumed abandoned during the ten (10)**



1 year period preceding the filing of the report.

2 **(b) This chapter does not relieve a holder of a duty that arose**
 3 **before July 1, 2021, to report, pay, or deliver property. Subject to**
 4 **section 38(b) and 38(c) of this chapter, a holder that did not comply**
 5 **with the law governing unclaimed property before July 1, 2021, is**
 6 **subject to applicable provisions for enforcement and penalties in**
 7 **effect before July 1, 2021.**

8 **Sec. 90. The attorney general may adopt rules under IC 4-22-2**
 9 **to carry out the purposes of this chapter.**

10 SECTION 21. IC 32-34-3 IS REPEALED [EFFECTIVE JULY 1,
 11 2021]. (Unclaimed Money in Possession of a Court Clerk).

12 SECTION 22. IC 34-30-2-139, AS AMENDED BY P.L.86-2018,
 13 SECTION 317, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2021]: Sec. 139. ~~IC 32-34-1-27 and~~
 15 ~~IC 32-34-1-29~~ **IC 32-34-1.5-32** (Concerning holders of abandoned
 16 property who deliver the property to the attorney general).

17 SECTION 23. IC 35-52-32-3 IS REPEALED [EFFECTIVE JULY
 18 1, 2021]. ~~Sec. 3. IC 32-34-1-45 defines a crime concerning lost or~~
 19 ~~unclaimed personal property.~~

20 SECTION 24. IC 36-9-23-28, AS AMENDED BY P.L.127-2017,
 21 SECTION 315, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2021]: Sec. 28. (a) The legislative body of a
 23 municipality that operates sewage works under this chapter may, by
 24 ordinance, require the owners, lessees, or users of property served by
 25 the works to pay a deposit to ensure payment of sewer fees.

26 (b) The deposit required may not exceed the estimated average
 27 payment due from the property served by the sewage works for a three
 28 (3) month period. The deposit must be retained in a separate fund.

29 (c) The deposit, less any outstanding penalties and service fees,
 30 shall be refunded to the depositor after a notarized statement from the
 31 depositor that as of a certain date the property being served:

- 32 (1) has been conveyed or transferred to another person; or
 33 (2) no longer uses or is connected with any part of the municipal
 34 sewage system.

35 A statement under subdivision (1) must include the name and address
 36 of the person to whom the property is conveyed or transferred.

37 (d) If a depositor fails to satisfy costs and fees within sixty (60) days
 38 after the termination of the depositor's use or ownership of the property
 39 served, the depositor forfeits the depositor's deposit and all accrued
 40 interest. The forfeited amount shall be applied to the depositor's
 41 outstanding fees. Any excess that remains due after application of the
 42 forfeiture may be collected in the manner prescribed by section 31 or



- 1 32 of this chapter.
- 2 (e) A deposit may be used to satisfy all or part of any judgment
- 3 awarded the municipality under section 31 of this chapter.
- 4 (f) A deposit made under this section that has remained unclaimed
- 5 by the depositor for more than seven (7) years after the termination of
- 6 the services for which the deposit was made becomes the property of
- 7 the municipality. ~~IC 32-34-1~~ **IC 32-34-1.5** (unclaimed property) does
- 8 not apply to a deposit described in this subsection.
- 9 SECTION 25. IC 36-9-23-28.5 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28.5. (a) This section
- 11 does not apply to a deposit made under section 28 of this chapter.
- 12 (b) ~~IC 32-34-1~~ **IC 32-34-1.5** does not apply to an overpayment
- 13 described in subsection (d).
- 14 (c) As used in this section, "payor" refers to the owner, lessee, or
- 15 user of property served by the sewage works who has paid for service
- 16 from the sewage works.
- 17 (d) An overpayment of sewer fees that remains unclaimed by a
- 18 payor for more than seven (7) years after the termination of the service
- 19 for which the overpayment was made becomes the property of the
- 20 municipality.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 188, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning property and to make an appropriation.

Page 19, line 2, after "Sec. 1." insert "(a)".

Page 19, between lines 4 and 5, begin a new paragraph and insert:

"(b) This chapter does not apply to a business to business credit memorandum or a credit balance resulting from a business to business credit memorandum."

Page 26, line 38, delete "promptly".

Page 26, line 39, after "mail" insert "**within sixty (60) days**".

Page 28, line 16, delete "promptly".

Page 28, line 17, after "mail" insert "**within sixty (60) days**".

Page 29, line 20, after "Sec. 10." insert "(a)".

Page 29, line 20, after "chapter," insert "**the net card value of**".

Page 29, between lines 24 and 25, begin a new paragraph and insert:

"(b) The amount presumed abandoned in a gift card is the net card value at the time it is presumed abandoned."

Page 29, line 40, delete "promptly".

Page 29, line 42, after "mail" insert "**within sixty (60) days**".

Page 31, line 7, delete "and".

Page 31, between lines 7 and 8, begin a new line block indented and insert:

"(7) any activity by the apparent owner that concerns:

(A) another demand, savings, or matured time deposit account or other account the apparent owner has with a financial institution, including any activity by the apparent owner that results in an increase or decrease in the amount of any other account; or

(B) any other relationship with the financial institution, including the payment of any amounts due on a loan; and"

Page 31, line 8, delete "(7)" and insert "(8)".

Page 32, line 22, delete "or".

Page 32, between lines 22 and 23, begin a new line double block indented and insert:

"(B) the National Conference of Insurance Legislators' model legislation regarding unclaimed benefits; or"



Page 32, line 23, delete "(B)" and insert "(C)".

Page 38, line 13, delete "both by first class United States mail to".

Page 38, line 14, delete "the apparent owner's last known mailing address and".

Page 39, between lines 2 and 3, begin a new line double block indented and insert:

"(A) the name of each apparent owner residing in the county, as set forth in the report filed by the holder;

(B) the last known address or location of each apparent owner residing in the county, if an address or a location is set forth in the report filed by the holder;

(C) a statement explaining that the property of the apparent owner is presumed abandoned and has been taken into the protective custody of the attorney general;

(D) a statement that information about the abandoned property and its return to the apparent owner is available from the attorney general to a person having a legal or beneficial interest in the property;"

Page 39, line 3, delete "(A)" and insert "(E)".

Page 39, line 5, delete "(B)" and insert "(F)".

Page 39, line 8, delete "(C)" and insert "(G)".

Page 45, line 21, delete "ten (10)" and insert "five (5)".

Page 47, line 23, after "Sec. 46." insert "(a)".

Page 47, between lines 32 and 33, begin a new paragraph and insert:

"(b) If the balance of the principal in the abandoned property fund exceeds five hundred thousand dollars (\$500,000), the treasurer of state may, and at least once each fiscal year shall, transfer to the state general fund the balance of the principal of the abandoned property fund that exceeds five hundred thousand dollars (\$500,000).

(c) If a claim is allowed or a refund is ordered under this chapter that is more than five hundred thousand dollars (\$500,000), the treasurer of state shall transfer from the state general fund sufficient money to make prompt payment of the claim. There is annually appropriated to the treasurer of state from the state general fund the amount of money sufficient to implement this subsection.

(d) Except as provided in subsection (e), earnings on the abandoned property fund must be credited to the fund.

(e) On July 1 of each year, the interest balance in the abandoned property fund must be transferred to the state general fund."

Page 52, line 10, delete "chapter and" and insert "chapter;"



Page 52, delete line 11.

Page 55, line 26, delete "If requested by the treasurer of state," and insert **"Not later than three (3) months after the end of the fiscal year,"**.

Page 61, delete lines 13 through 19, begin a new paragraph and insert:

"Sec. 75. The attorney general shall waive interest under section 73(a) of this chapter and penalties under sections 73(b) and 74 of this chapter if the attorney general determines the holder acted in good faith and without negligence."

Page 63, line 27, delete "may be, at the discretion of the" and insert **"are"**.

Page 63, line 28, delete "attorney general,".

Page 67, delete lines 14 through 19, begin a new paragraph and insert:

"Sec. 89. (a) For property that was not required to be reported before July 1, 2021, the following requirements apply:

(1) Between July 1, 2023, and June 30, 2032, an initial report filed under this chapter must include property that was:

(A) not required to be reported before July 1, 2021; and

(B) presumed abandoned after January 1, 2022.

(2) After June 30, 2032, an initial report filed under this chapter must include all items of property, including property that was not required to be reported before July 1, 2021, that would have been presumed abandoned during the ten (10) year period preceding the filing of the report."

and when so amended that said bill do pass.

(Reference is to SB 188 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 188 be amended to read as follows:

Page 19, between lines 7 and 8, begin a new paragraph and insert:

"(c) This chapter does not apply to a gift card or a stored value card for which the records of the holder do not contain:

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- (1) the name of the apparent owner; or**
- (2) an address that is sufficient to direct the delivery of first class United States mail to the apparent owner."**

Page 25, line 5, after "at" insert "**the time of account opening or at**".

Page 31, delete lines 13 through 20, begin a new line block indented and insert:

"(7) the mailing of any correspondence in writing from a financial institution to the apparent owner, including:

- (A) a statement;**
- (B) a report of interest paid or credited; or**
- (C) any other written advice;**

relating to a demand, savings, or matured time deposit account, including a deposit account that is automatically renewable or any other account or property the apparent owner has with the financial institution, if the correspondence is not returned to the financial institution for nondelivery;

(8) any activity by the apparent owner that concerns:

- (A) another demand, savings, or matured time deposit account or other account the apparent owner has with a financial institution, including any activity by the apparent owner that results in an increase or decrease in the amount of any other account; or**
- (B) any other relationship with the financial institution, including the payment of any amounts due on a loan;**

if the mailing address for the apparent owner contained in the financial institution's books and records is the same for both an inactive account and a related account; and"

Page 31, line 21, delete "(8)" and insert "(9)".

Page 35, line 41, delete "A" and insert "**Except as provided in section 89(a) of this chapter, a**".

Page 38, delete lines 26 through 29, begin a new paragraph and insert:

"(b) If an apparent owner has consented to receive electronic mail delivery from the holder, the holder may, at its election, send the notice described in subsection (a) by either first class United States mail to the apparent owner's last known mailing address, or by electronic mail, unless the holder believes the apparent owner's electronic mail address is invalid."

Page 39, delete lines 12 through 15, begin a new line block indented and insert:

"(1) publishing once per year in at least one (1) newspaper of



general circulation to each county of the state notice of property held by the attorney general, which must include:".

Page 41, line 11, delete "payment, if the holder" and insert **"payment."**

Page 41, delete line 12.

Page 68, line 14, delete "that was:" and insert **"that:"**.

Page 68, line 15, after "(A)" insert **"was"**.

Page 68, delete line 16, begin a new line double block indented and insert:

"(B) did not become presumed abandoned until after January 1, 2022."

(Reference is to SB 188 as printed February 19, 2021.)

KOCH

