

2015 Regular Session

HOUSE BILL NO. 240

BY REPRESENTATIVE ARNOLD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PROPERTY/UNCLAIMED: Provides relative to the Uniform Unclaimed Property Act

1 AN ACT

2 To amend and reenact R.S. 9:154(A)(4) and (D)(3) and to enact R.S. 9:154(D)(5), relative
3 to presumptions of abandonment of unclaimed property; to provide relative to
4 federally insured financial institutions; to provide relative to electronic
5 communications and transactions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:154(A)(4) and (D)(3) are hereby amended and reenacted and R.S.
8 9:154(D)(5) is hereby enacted to read as follows:

9 §154. Presumptions of abandonment

10 A. Property is presumed abandoned if it is unclaimed by the apparent owner
11 during the time set forth below for the particular property for the following:

12 * * *

13 (4) A demand, savings, or matured time deposit, including a deposit that is
14 automatically renewable, five years after the earlier of its maturity or the date of the
15 last indication by the owner of interest in the property; however, property that is
16 automatically renewable is deemed matured for purposes of this Section upon its
17 initial date of maturity, unless the owner has consented to a renewal at or about the
18 time of the renewal and the consent is in writing or is evidenced by a memorandum
19 or other record on file with the holder. However, no property under this Paragraph
20 shall be presumed abandoned if a ~~banking or financial organization~~ federally insured

1 financial institution has forwarded a statement or other written or electronic
2 communication to the owner within the preceding ninety days with regard to the
3 property at the owner's last known address, and the statement or communication has
4 not been returned to the ~~banking or financial organization~~ federally insured financial
5 institution as undeliverable or unclaimed by the forwarding agent. For purposes of
6 this Paragraph, a statement or other written or electronic communication may be
7 forwarded by a federally insured financial institution to the owner by United States
8 mail, commercial courier as defined by R.S. 13:3204(D), email or other electronic
9 means, or any other method selected by the owner.

10 * * *

11 D. An indication of an owner's interest in property includes the following:

12 * * *

13 (3) The making of a deposit to or withdrawal from a bank account, including
14 any one-time or recurring automatic clearing house transaction, or any other
15 electronic transaction that is owner-directed or otherwise authorized by the account
16 owner.

17 * * *

18 (5) The accessing of a deposit account by the owner through the website or
19 other restricted electronic access point of the federally insured financial institution.

20 * * *

21 Section 2. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 240 Original

2015 Regular Session

Arnold

Abstract: Provides for the criteria for the presumption of abandonment of property held by a federally insured financial institution, and extends the application to electronic communications and transactions.

Present law provides for the Uniform Unclaimed Property Act of 1997 which requires a holder of abandoned property to deliver the abandoned property to the state treasurer under certain circumstances.

Present law provides that property is presumed abandoned if it is unclaimed by the apparent owner for a certain period of time which depends on the type of the particular property.

Present law provides, in part, that a demand, savings, or matured time deposit, including a deposit that is automatically renewable, is deemed abandoned five years after the earlier of its maturity or the date of the last indication by the owner of interest in the property, and further provides that no such property shall be presumed abandoned if a banking or financial organization has forwarded a statement or other written communication to the owner within the preceding 90 days with regard to the property at the owner's last known address, and the statement or communication has not been returned to the banking or financial organization as undeliverable or unclaimed by the forwarding agent.

Proposed law retains present law but changes the term "banking or financial organization" to "federally insured financial institution", and extends application of present law to electronic communications which may be forwarded by a federally insured financial institution to the owner by U.S. mail, commercial courier, email or other electronic means, or any other method selected by the owner.

Present law provides a listing of criteria indicating an owner's interest in property, including the presentment of a check or other instrument of payment of a dividend, an owner-directed activity in the account in which the property is held, and the making of a deposit to or withdrawal from a bank account.

Proposed law retains present law and includes any one-time or recurring clearing house transaction, any owner-directed electronic transaction, and the accessing of a deposit account by the owner through the website or other restricted electronic access point of the federally insured financial institution.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 9:154(A)(4) and (D)(3); Adds R.S. 9:154(D)(5))