

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0675.01 Jason Gelender x4330

HOUSE BILL 25-1224

HOUSE SPONSORSHIP

Titone and Soper,

SENATE SPONSORSHIP

Snyder,

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATION OF THE "REVISED UNIFORM UNCLAIMED**
102 **PROPERTY ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill modifies the "Revised Uniform Unclaimed Property Act" (RUUPA) as follows:

- **Sections 1, 2, 5, and 6** clarify the treatment under RUUPA of legacy preneed contracts, which are preneed contracts for funeral services entered into before August 10, 2022;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- **Sections 2, 3, and 7** modify the definition of virtual currency, specify that virtual currency is presumed abandoned 3 years after the latest indication of interest by its apparent owner of the virtual currency, requires a holder of unclaimed property that is reporting unclaimed virtual currency to the state treasurer (administrator) to liquidate the virtual currency within 30 days of filing the report and remit the liquidation proceeds to the administrator, and specifies that the owner of the virtual currency has no recourse against either the holder or the administrator for any gain in value of the virtual currency after liquidation;
- **Section 4** shortens the period for which a holder required to file must retain records from 10 to 6 years;
- **Section 8** requires a holder that pays money to the administrator to file a claim for reimbursement from the administrator of the amount paid within 2 years of remitting and reporting the money paid;
- **Section 9** reduces the amount of time after a duty of a holder of unclaimed property arises that the administrator has to commence an action, proceeding, or examination with respect to the duty from 10 years to 6 years;
- **Section 10** clarifies the authority of the administrator with respect to the sale or other disposition of unclaimed thinly traded securities;
- If the administrator determines that a county or a municipality owns unclaimed property in the possession of the administrator, **section 11** authorizes the administrator to issue a warrant to or transfer the property to an operating account of the county or the municipality;
- **Section 12** authorizes the administrator to require a person making a claim for unclaimed property to supply nonpublic and nonredacted documents to prove ownership of the property;
- **Section 13** reduces the maximum amount of compensation allowed to be paid under an agreement to recover or assist in recovering an unclaimed overbid transferred to the administrator from either 30% or 20% of the amount of the overbid depending on when the agreement is entered into to 10% of the amount of overbid without regard to when the agreement was entered into; and
- **Section 14** repeals a statutory exemption from RUUPA for a local government that is a holder of property and satisfies specified conditions because few local governments have met the specified conditions.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 10-15-111.7, **amend**
3 (2) introductory portion and (3) as follows:

4 **10-15-111.7. Disposition of unclaimed preneed funeral**
5 **contracts - unclaimed property trust fund.** (2) EXCEPT AS OTHERWISE
6 SPECIFIED IN SECTION 38-13-201 (1)(m) FOR A LEGACY PRENEED
7 CONTRACT, AS DEFINED IN SECTION 38-13-102 (13.5), a preneed contract
8 for funeral services is unclaimed at the earlier of the following:

9 (3) EXCEPT AS OTHERWISE SPECIFIED IN SECTION 38-13-406 (1)
10 FOR A LEGACY PRENEED CONTRACT, AS DEFINED IN SECTION 38-13-102
11 (13.5), for purposes of this section, the amount reportable for an
12 unclaimed preneed contract is the amount paid by the purchaser
13 CONTRACT BUYER to the contract seller, less selling costs not to exceed
14 fifteen percent of the total preneed contract price, liquidated damages,
15 and contractual offsets, as authorized by law.

16 **SECTION 2.** In Colorado Revised Statutes, 38-13-102, **amend**
17 (32) introductory portion, (32)(c), and (32)(d); and **add** (5.5), (13.3),
18 (13.5), and (32)(e) as follows:

19 **38-13-102. Definitions.** As used in this article 13, unless the
20 context otherwise requires:

21 (5.5) "CRYPTOCURRENCY" MEANS A DIGITAL CURRENCY IN WHICH
22 TRANSACTIONS ARE VERIFIED AND RECORDS ARE MAINTAINED BY A
23 DECENTRALIZED SYSTEM USING A BLOCKCHAIN RATHER THAN BY A
24 CENTRALIZED AUTHORITY.

25 (13.3) "LEGACY PRENEED CONTRACT" MEANS A PRENEED
26 CONTRACT, AS DEFINED IN SECTION 10-15-102 (13), INCLUDING BOTH A

1 PRENEED CONTRACT FOR FUNERAL MERCHANDISE AND SERVICES AND A
2 PRENEED CONTRACT FOR CEMETERY MERCHANDISE AND SERVICES, THAT
3 WAS ENTERED INTO BEFORE AUGUST 10, 2022.

4 (13.5) "LEGACY PRENEED CONTRACT BENEFICIARY" MEANS, FOR
5 ANY LEGACY PRENEED CONTRACT ENTERED INTO ON OR AFTER JULY 1,
6 1967, ANY PERSON SPECIFIED IN THE LEGACY PRENEED CONTRACT UPON
7 WHOSE DEATH A FINAL RESTING PLACE, MERCHANDISE, AS DEFINED IN
8 SECTION 10-15-102 (1), OR SERVICES, AS DEFINED IN SECTION 10-15-102
9 (16), SHALL BE PROVIDED, DELIVERED, OR PERFORMED.

10 (32) "Virtual currency" means ~~a~~ ANY TYPE OF digital
11 representation of value, INCLUDING CRYPTOCURRENCY, THAT IS used as
12 a medium of exchange, unit of account, or a store of value, but THAT does
13 not have legal tender status as recognized by the United States. The term
14 does not include:

- 15 (c) A loyalty card; ~~or~~
- 16 (d) A financial organization loyalty card; OR
- 17 (e) A GIFT CARD.

18 **SECTION 3.** In Colorado Revised Statutes, 38-13-201, **amend**
19 (1)(l) and (1)(m); and **add** (1)(1.5) as follows:

20 **38-13-201. When property presumed abandoned.** (1) Subject
21 to section 38-13-210, the following property is presumed abandoned if it
22 is unclaimed by the apparent owner during the period specified in this
23 section:

24 (l) Except as otherwise provided for unclaimed utility deposits
25 under section 40-8.5-106, a deposit or refund owed to a subscriber by a
26 utility, one year after the deposit or refund becomes payable; ~~and~~

27 (1.5) ANY VIRTUAL CURRENCY HELD OR OWING BY ANY BANKING

1 ORGANIZATION, CORPORATION, CUSTODIAN, EXCHANGE, OR OTHER ENTITY
2 ENGAGED IN VIRTUAL CURRENCY BUSINESS ACTIVITY, THREE YEARS AFTER
3 THE LATEST INDICATION OF INTEREST IN THE PROPERTY, AS DESCRIBED IN
4 SECTION 38-13-210 (2), BY THE APPARENT OWNER OF THE VIRTUAL
5 CURRENCY; AND

6 (m) (I) All other property not specified in this section or sections
7 38-13-202 to 38-13-208 and 38-13-213 to 38-13-220, INCLUDING THE
8 REPORTABLE AMOUNT OF A LEGACY PRENEED CONTRACT AS SET FORTH IN
9 SECTION 38-13-406 (1), the earlier of three years after the owner first has
10 a right to demand the property or the obligation to pay or distribute the
11 property arises.

12 (II) FOR PURPOSES OF SUBSECTION (1)(m)(I) OF THIS SECTION AND
13 NOTWITHSTANDING SECTION 10-15-111.7 (2), THE OWNER OF A LEGACY
14 PRENEED CONTRACT FIRST HAS A RIGHT TO DEMAND THE PROPERTY, THE
15 OBLIGATION TO PAY OR DISTRIBUTE THE PROPERTY ARISES, AND THE
16 THREE-YEAR PRESUMPTIVE ABANDONMENT PERIOD FOR THE LEGACY
17 PRENEED CONTRACT COMMENCES ON THE EARLIER OF:

18 (A) THE CONFIRMED DATE OF DEATH OF THE LEGACY PRENEED
19 CONTRACT BENEFICIARY; OR

20 (B) IN THE ABSENCE OF KNOWLEDGE OF THE DEATH OF THE
21 LEGACY PRENEED CONTRACT BENEFICIARY, THE PRESUMED DATE OF
22 DEATH, WHICH IS THE DATE ON WHICH THE LEGACY PRENEED CONTRACT
23 BENEFICIARY REACHES ONE HUNDRED SEVEN YEARS OF AGE. THE DATE OF
24 DEATH OF THE LEGACY PRENEED CONTRACT BENEFICIARY CAN BE
25 OBTAINED THROUGH ANY SOURCE, INCLUDING A DECLARATION OF DEATH,
26 A DEATH CERTIFICATE, THE UNITED STATES SOCIAL SECURITY
27 ADMINISTRATION OR OTHER GOVERNMENTAL DEATH RECORDS, OR OTHER

1 EQUIVALENT RESOURCE.

2 **SECTION 4.** In Colorado Revised Statutes, 38-13-404, **amend**
3 (1) introductory portion as follows:

4 **38-13-404. Retention of records by holder.** (1) A holder
5 required to file a report under section 38-13-401 shall retain records for
6 ~~ten~~ SIX years after the later of the date the report was filed or the last date
7 a timely report was due to be filed, unless a shorter period is provided by
8 rule of the administrator. A holder may satisfy the requirement to retain
9 records under this section through an agent. The records must contain:

10 **SECTION 5.** In Colorado Revised Statutes, **add** 38-13-406 as
11 follows:

12 **38-13-406. Clarification of reporting requirements for**
13 **unclaimed legacy preneed contracts - amount reportable -**
14 **identification of purchaser and beneficiary.** (1) THE AMOUNT OF AN
15 UNCLAIMED LEGACY PRENEED CONTRACT THAT IS REPORTABLE AS
16 UNCLAIMED PROPERTY IS THE PURCHASE PRICE PAID BY THE CONTRACT
17 BUYER, AS DEFINED IN SECTION 10-15-102 (5), EXCLUSIVE OF ANY
18 FINANCE CHARGES OR LATE PAYMENT FEES, LESS THE AMOUNT OF ANY
19 LIQUIDATED DAMAGES FOR NONPERFORMANCE PAID BY OR ON BEHALF OF
20 THE CONTRACT SELLER, AS DEFINED IN SECTION 10-15-102 (6), OR ANY
21 CANCELLATION FEES PAID AS REQUIRED BY THE LEGACY PRENEED
22 CONTRACT, WHICH CANCELLATION FEES CANNOT EXCEED FIFTEEN
23 PERCENT OF THE PURCHASE PRICE. THE CONTRACT SELLER IS ENTITLED TO
24 RETAIN ALL INTEREST EARNED ON THE MONEY PAID TO PURCHASE THE
25 LEGACY PRENEED CONTRACT.

26 (2) IN ADDITION TO COMPLYING WITH THE OTHER REPORTING
27 REQUIREMENTS SET FORTH IN THIS ARTICLE 13, IN REPORTING A LEGACY

1 PRENEED CONTRACT TO THE ADMINISTRATOR, THE HOLDER SHALL
2 IDENTIFY BY NAME BOTH THE CONTRACT BUYER, AS DEFINED IN SECTION
3 10-15-102 (5), AND THE LEGACY PRENEED CONTRACT BENEFICIARY.

4 (3) A HOLDER OF A LEGACY PRENEED CONTRACT WHO COMPLIES
5 WITH THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION
6 AND SATISFIES THE REQUIREMENTS SET FORTH IN SECTION 38-13-604 IS
7 RELIVED OF RESPONSIBILITY ARISING THEREAFTER WITH RESPECT TO
8 PAYMENT OR DELIVERY OF THE PROPERTY TO THE ADMINISTRATOR.

9 **SECTION 6.** In Colorado Revised Statutes, 38-13-501, **add** (3)
10 as follows:

11 **38-13-501. Notice to apparent owner by holder.** (3) THE
12 NOTICE REQUIREMENTS SET FORTH IN SUBSECTIONS (1) AND (2) OF THIS
13 SECTION REQUIRE NOTICE TO THE APPARENT OWNER OF A LEGACY
14 PRENEED CONTRACT NOTWITHSTANDING THE DEATH OR PRESUMED DEATH
15 OF THE CONTRACT BUYER, AS DEFINED IN SECTION 10-15-102 (5).

16 **SECTION 7.** In Colorado Revised Statutes, 38-13-603, **add** (4.5)
17 as follows:

18 **38-13-603. Payment or delivery of property to administrator.**
19 (4.5) IF PROPERTY IN A REPORT UNDER SECTION 38-13-401 IS VIRTUAL
20 CURRENCY, THE HOLDER SHALL LIQUIDATE THE VIRTUAL CURRENCY
21 WITHIN THIRTY DAYS OF FILING THE REPORT AND REMIT THE LIQUIDATION
22 PROCEEDS TO THE ADMINISTRATOR. THE OWNER SHALL HAVE NO
23 RECOURSE AGAINST EITHER THE HOLDER OR THE ADMINISTRATOR FOR ANY
24 GAIN IN VALUE OF THE VIRTUAL CURRENCY AFTER LIQUIDATION.

25 **SECTION 8.** In Colorado Revised Statutes, 38-13-605, **amend**
26 (1) introductory portion, (2), (3), and (4)(a) introductory portion as
27 follows:

1 **38-13-605. Recovery of property by holder from**
2 **administrator.** (1) A holder that pays money to the administrator under
3 this article 13 may file a claim for reimbursement from the administrator
4 of the amount paid WITHIN TWO YEARS OF REMITTING AND REPORTING THE
5 MONEY PAID if the holder:

6 (2) If a claim for reimbursement under subsection (1) of this
7 section is made for a payment made on a negotiable instrument, including
8 a traveler's check, money order, or similar instrument, the holder must
9 submit proof that the instrument was presented and that payment was
10 made to a person the holder reasonably believed to be entitled to payment.
11 The holder may claim reimbursement WITHIN TWO YEARS OF REMITTING
12 AND REPORTING THE PAYMENT even if the payment was made to a person
13 whose claim was made after expiration of a period of limitation on the
14 owner's right to receive or recover property, whether specified by
15 contract, statute, or court order.

16 (3) If a holder is reimbursed by the administrator under subsection
17 (1)(b) of this section, the holder may also recover from the administrator
18 income or gain under section 38-13-606 WITHIN TWO YEARS OF
19 REMITTING AND REPORTING THE MONEY that would have been paid to the
20 owner if the money had been claimed from the administrator by the owner
21 to the extent the income or gain was paid by the holder to the owner.

22 (4) (a) A holder that delivers property other than money to the
23 administrator under this article 13 may file a claim WITHIN TWO YEARS OF
24 DELIVERING THE PROPERTY for return of the property from the
25 administrator if:

26 **SECTION 9.** In Colorado Revised Statutes, 38-13-609, **amend**
27 (3) as follows:

1 **38-13-609. Periods of limitation and repose.** (3) The
2 administrator shall not commence an action, proceeding, or examination
3 with respect to a duty of a holder under this article 13 more than ~~ten~~ SIX
4 years after the duty arose.

5 **SECTION 10.** In Colorado Revised Statutes, 38-13-702, **amend**
6 (2); and **add** (3) as follows:

7 **38-13-702. Disposal of securities - definition.** (2) EXCEPT AS
8 OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, the
9 administrator shall not sell a security listed on an established stock
10 exchange for less than the price prevailing on the exchange at the time of
11 sale. The administrator may sell a security not listed on an established
12 exchange by any commercially reasonable method.

13 (3) (a) THE ADMINISTRATOR MAY SELL A THINLY TRADED
14 SECURITY THAT IS LISTED ON AN ESTABLISHED STOCK EXCHANGE FOR LESS
15 THAN THE PRICE PREVAILING ON THE EXCHANGE AT THE TIME OF SALE BY
16 ANY COMMERCIALY REASONABLE METHOD AND AT ANY TIME AFTER THE
17 THREE-YEAR PERIOD SET FORTH IN SUBSECTION (1) OF THIS SECTION HAS
18 PASSED IF THE ADMINISTRATOR DETERMINES, IN THE ADMINISTRATOR'S
19 SOLE DISCRETION, THAT THERE ARE NO BUYERS FOR THE THINLY TRADED
20 SECURITY AT THE PRICE PREVAILING ON THE EXCHANGE AT THE TIME OF
21 SALE. IF THE ADMINISTRATOR DETERMINES THAT THE THINLY TRADED
22 SECURITY HAS NO SUBSTANTIAL COMMERCIAL VALUE OR THAT THE COSTS
23 OF DISPOSING OF IT WILL EXCEED ITS VALUE, THE ADMINISTRATOR MAY
24 RETURN IT TO THE HOLDER OR DESTROY OR OTHERWISE DISPOSE OF IT AS
25 AUTHORIZED BY SECTION 38-13-608.

26 (b) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES, "THINLY TRADED SECURITY" MEANS A SECURITY THAT CANNOT

1 BE EASILY SOLD OR EXCHANGED FOR CASH WITHOUT CAUSING A
2 SIGNIFICANT CHANGE IN THE PRICE OF THE SECURITY.

3 **SECTION 11.** In Colorado Revised Statutes, **amend** 38-13-902.4
4 as follows:

5 **38-13-902.4. Claim of the state, a county, a municipality, or a**
6 **governmental agency.** At any time after property has been paid or
7 delivered to the administrator under this article 13, if the administrator
8 determines that the state, A COUNTY, A MUNICIPALITY, or a state
9 governmental agency owns the property, the administrator may ISSUE A
10 WARRANT TO OR transfer the property to an operating account of the state,
11 THE COUNTY, THE MUNICIPALITY, or the STATE GOVERNMENTAL agency.

12 **SECTION 12.** In Colorado Revised Statutes, 38-13-904, **amend**
13 (1) as follows:

14 **38-13-904. When administrator must honor claim for**
15 **property.** (1) The administrator shall pay or deliver property to a
16 claimant under section 38-13-903 if the administrator receives evidence
17 sufficient to establish to the satisfaction of the administrator that the
18 claimant is the owner of the property. THE ADMINISTRATOR MAY REQUIRE
19 THE CLAIMANT TO PROVIDE NONPUBLIC OR NONREDACTED DOCUMENTS TO
20 ESTABLISH OWNERSHIP BEFORE MAKING PAYMENT.

21 **SECTION 13.** In Colorado Revised Statutes, 38-13-1304, **amend**
22 (1)(b)(IV) as follows:

23 **38-13-1304. Agreements to locate reported property - overbids**
24 **from foreclosure sales.** (1) Notwithstanding any provision of section
25 38-13-1303 to the contrary, an agreement to pay compensation to recover
26 or assist in recovering an unclaimed overbid transferred to the
27 administrator under section 38-38-111 is:

1 (b) Enforceable if:

2 (IV) The compensation to be paid under the terms of the
3 agreement does not exceed

4 ~~(A) Twenty~~ TEN percent of the amount of the overbid if entered
5 into at least two years ~~but not more than three years, after the date of the~~
6 ~~transfer; or~~

7 ~~(B) Thirty percent of the amount of the overbid if entered into~~
8 ~~more than three years~~ after the date of the transfer; and

9 **SECTION 14.** In Colorado Revised Statutes, **repeal** 38-13-1504
10 as follows:

11 **38-13-1504. Application of article - local government -**
12 **exemption - notice of property.** ~~(1) Except as otherwise provided in this~~
13 ~~section, the provisions of this article 13 do not apply to a local~~
14 ~~government that is a holder of property if:~~

15 ~~(a) The local government has a local ordinance or resolution~~
16 ~~relating to the disposition of property that conflicts with this article 13;~~

17 ~~(b) The local ordinance or resolution described in subsection~~
18 ~~(1)(a) of this section requires the local government to hold the property~~
19 ~~for the owner for at least five years after the date it is presumed~~
20 ~~abandoned under section 38-13-201 (1)(j); and~~

21 ~~(c) The local government provides the administrator with the~~
22 ~~information described in subsection (2) of this section in the same~~
23 ~~electronic format as a holder is required to use to report unclaimed~~
24 ~~property.~~

25 ~~(2) To satisfy subsection (1)(c) of this section, a local government~~
26 ~~must provide the administrator with the following information on or~~
27 ~~before November 1 of each year:~~

1 ~~(a) An alphabetical list of the owners for whom the local~~
2 ~~government holds property that is presumed abandoned under section~~
3 ~~38-13-201 (1)(j); and~~

4 ~~(b) The value of the abandoned property that the exempt local~~
5 ~~government holds for each owner.~~

6 ~~(3) The administrator shall include the information received in~~
7 ~~accordance with subsection (2) of this section, along with a statement that~~
8 ~~a person claiming to be the owner must file a claim for the property with~~
9 ~~the specific local government that has the property, as part of the website~~
10 ~~or database maintained under section 38-13-503 (3).~~

11 **SECTION 15. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.