

SENATE BILL 665

I4

(5lr1891)

ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **The President (By Request – Office of the Comptroller)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Uniform Disposition of Abandoned Property Act – Revisions**

3 FOR the purpose of making certain virtual currency subject to the abandoned property laws
4 in the State; establishing provisions to determine certain information about certain
5 apparent owners of abandoned property; providing that a certain operation does not
6 prevent certain insurance policies from maturing or terminating; altering and
7 establishing certain provisions pertaining to the presumption of abandonment for
8 certain types of property; establishing certain procedures to establish the death of a
9 certain insured or certain annuitant; altering the dollar value at which the
10 Comptroller is required to publish certain notice; authorizing the Comptroller to
11 retain, for certain purposes, certain funding from proceeds obtained through the
12 disposition of abandoned property; altering the procedures for filing a claim with the
13 Comptroller to reclaim abandoned property; and generally relating to the Maryland
14 Uniform Disposition of Abandoned Property Act.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 17–101, 17–301, 17–302, 17–304(a)(2)(i), 17–308(d), 17–308.1(b), 17–311(c),
17–317(a)(1), and 17–318 through 17–320
Annotated Code of Maryland
(2013 Replacement Volume and 2024 Supplement)

BY adding to
Article – Commercial Law
Section 17–301, 17–302.1, 17–306.1, 17–307.2, and 17–319.1
Annotated Code of Maryland
(2013 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Commercial Law

17–101.

(a) In this title the following words have the meanings indicated.

(b) (1) “Abandoned property” means personal property that is considered
abandoned under this title.

(2) “Abandoned property” includes property in the custody of the federal
government that is classified as “unclaimed property” under federal law.

(c) “Administrator” means the State Comptroller.

**(D) “APPARENT OWNER” MEANS A PERSON WHOSE NAME APPEARS ON A
RECORD OF A HOLDER AS THE OWNER OF PROPERTY HELD, ISSUED, OR OWING BY
THE HOLDER.**

[(d)] (E) “Banking organization” means any bank, trust company, savings bank,
land bank, and any other similar organization engaged in business in the State.

[(e)] (F) “Business association” means any corporation, joint stock company,
business trust, statutory trust, partnership, or any association for business purposes of two
or more individuals.

[(f)] (G) “County” includes Baltimore City.

[(g)] (H) “Federal government” includes any of its agencies or instrumentalities.

1 [(h)] (I) “Financial organization” means any savings and loan association or
2 credit union engaged in business in the State.

3 (J) “GIFT CARD” MEANS A GIFT CARD DESCRIBED IN § 14-1320 OF THIS
4 ARTICLE.

5 (K) “GIFT CERTIFICATE” HAS THE MEANING STATED IN § 14-1319 OF THIS
6 ARTICLE.

7 [(i)] ~~(J)~~ (L) “Holder” means any person who is:

8 (1) In possession of property subject to this title belonging to another;

9 (2) A trustee, in the case of a trust; or

10 (3) Indebted to another on an obligation subject to this title.

11 ~~(K)~~ (M) “INDICATION OF APPARENT OWNER INTEREST IN PROPERTY”
12 MEANS:

13 (1) A RECORD COMMUNICATED BY THE APPARENT OWNER TO THE
14 HOLDER OR AGENT OF THE HOLDER CONCERNING THE PROPERTY OR THE ACCOUNT
15 IN WHICH THE PROPERTY IS HELD;

16 (2) AN ORAL COMMUNICATION BY THE APPARENT OWNER TO THE
17 HOLDER OR AGENT OF THE HOLDER CONCERNING THE PROPERTY OR THE ACCOUNT
18 IN WHICH THE PROPERTY IS HELD, IF THE HOLDER OR ITS AGENT
19 CONTEMPORANEOUSLY MAKES AND PRESERVES A RECORD OF THE FACT OF THE
20 APPARENT OWNER’S COMMUNICATION;

21 (3) FOR AN ACCOUNT, UNDERLYING SECURITY, OR INTEREST IN A
22 BUSINESS ASSOCIATION, THE PRESENTMENT OF:

23 (I) A CHECK OR OTHER INSTRUMENT OF PAYMENT OF A
24 DIVIDEND, INTEREST PAYMENT, OR OTHER DISTRIBUTION; OR

25 (II) EVIDENCE OF RECEIPT OF A DISTRIBUTION MADE BY
26 ELECTRONIC OR SIMILAR MEANS;

27 (4) ACTIVITY DIRECTED BY AN APPARENT OWNER IN THE ACCOUNT
28 IN WHICH THE PROPERTY IS HELD, INCLUDING:

29 (I) ACCESSING THE ACCOUNT OR INFORMATION CONCERNING
30 THE ACCOUNT; OR

(II) A DIRECTION BY THE APPARENT OWNER TO INCREASE, DECREASE, OR OTHERWISE CHANGE THE AMOUNT OR TYPE OF PROPERTY HELD IN THE ACCOUNT;

(5) A DEPOSIT INTO OR WITHDRAWAL FROM AN ACCOUNT AT A FINANCIAL INSTITUTION, INCLUDING AN AUTOMATIC DEPOSIT OR WITHDRAWAL PREVIOUSLY AUTHORIZED BY THE APPARENT OWNER OTHER THAN AN AUTOMATIC REINVESTMENT OF DIVIDENDS OR INTEREST;

(6) SUBJECT TO § 17-301(A)(3) OF THIS TITLE, PAYMENT OF A PREMIUM ON AN INSURANCE POLICY; AND

(7) ANY OTHER ACTION BY THE APPARENT OWNER THAT REASONABLY DEMONSTRATES TO THE HOLDER THAT THE APPARENT OWNER KNOWS THAT THE PROPERTY EXISTS.

~~[(j)]~~ ~~(H)~~ (N) "Insurance corporation" means any association or corporation transacting in the State the business of insurance on the lives of persons or insurance pertaining to life insurance, including endowments and annuities, disability, accident and health insurance, and property, casualty, and surety insurance, as these terms are defined in the Insurance Article.

~~[(k)]~~ ~~(M)~~ (O) "Owner" means:

(1) In the case of a deposit, a depositor or a person entitled to receive the funds as reflected on the records of the bank or financial organization;

(2) In the case of a trust, a beneficiary;

(3) In the case of other choses in action, a creditor, claimant, or payee;

(4) In the case of abandoned property in federal custody, the person who is defined as the owner by any applicable federal law; ~~[or]~~

(5) Any person who has a legal or equitable interest in property subject to this title, or the legal representative of that person; **OR**

(6) IN THE CASE OF A PENSION ACCOUNT OR RETIREMENT ACCOUNT THAT QUALIFIES FOR TAX DEFERRAL UNDER THE INCOME TAX PROVISIONS OF THE INTERNAL REVENUE CODE, THE PAYEE.

~~[(l)]~~ ~~(N)~~ (P) "Person" includes the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, an individual, business association, corporation, business trust, statutory trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

1 [(m)] ~~(Q)~~ (Q) “Personal property” does not include:

2 (1) A gift certificate **OR A GIFT CARD**;

3 (2) Credits in connection with the sale of consumer goods to a wholesaler
4 or retailer in the ordinary course of business;

5 (3) Outstanding checks or credits issued to vendors or commercial
6 customers in the ordinary course of business, other than property described in [§ 17–301(a)]
7 **§ 17–301.1(A)** of this title held by a banking organization or financial organization;

8 (4) Credit balances in vendor or commercial customer accounts that occur
9 in the ordinary course of business, other than property described in [§ 17–301(a)] **§**
10 **17–301.1(A)** of this title held by a banking organization or financial organization; or

11 (5) Purchase price rebates issued to customers in the ordinary course of
12 business.

13 ~~(P)~~ (R) **“RECORD” MEANS INFORMATION THAT IS:**

14 (1) **INSCRIBED ON A TANGIBLE MEDIUM; OR**

15 (2) **STORED IN AN ELECTRONIC OR OTHER MEDIUM AND**
16 **RETRIEVABLE IN PERCEIVABLE FORM.**

17 [(n)] ~~(Q)~~ (S) “Service charge” means any type of deduction or charge made by a
18 holder on property presumed abandoned under this title.

19 [(o)] ~~(R)~~ (T) “Utility” means any person who owns or operates in the State, for public
20 use, any plant, equipment, property, franchise, or license for the transmission of
21 communications, for the production, storage, transmission, sale, delivery, or furnishing of
22 electricity, water, steam, or gas, or for the transportation of persons or property.

23 ~~(S)~~ (U) (1) **“VIRTUAL CURRENCY” MEANS A DIGITAL REPRESENTATION**
24 **OF VALUE USED AS A MEDIUM OF EXCHANGE, UNIT OF ACCOUNT, OR STORE OF**
25 **VALUE THAT DOES NOT HAVE LEGAL TENDER STATUS RECOGNIZED BY THE UNITED**
26 **STATES.**

27 (2) **“VIRTUAL CURRENCY” DOES NOT INCLUDE:**

28 (I) **THE SOFTWARE OR PROTOCOLS GOVERNING THE**
29 **TRANSFER OF THE DIGITAL REPRESENTATION OF VALUE;**

30 (II) **GAME-RELATED DIGITAL CONTENT; OR**

(III) A LOYALTY CARD.

17-301.

(A) FOR PURPOSES OF THIS SUBTITLE:

(1) AN ACTION BY AN AGENT OR OTHER REPRESENTATIVE OF AN APPARENT OWNER, OTHER THAN A HOLDER ACTING AS THE APPARENT OWNER'S AGENT, IS PRESUMED TO BE AN ACTION ON BEHALF OF THE APPARENT OWNER; AND

(2) A COMMUNICATION WITH AN APPARENT OWNER BY A PERSON OTHER THAN THE HOLDER OR THE HOLDER'S REPRESENTATIVE IS NOT AN INDICATION OF APPARENT OWNER INTEREST IN PROPERTY UNLESS A RECORD OF THE COMMUNICATION EVIDENCES THE APPARENT OWNER'S KNOWLEDGE OF A RIGHT TO THE PROPERTY; ~~AND.~~

~~(3) IF AN INSURED DIES OR THE INSURED OR BENEFICIARY OF AN INSURANCE POLICY OTHERWISE BECOMES ENTITLED TO THE PROCEEDS BEFORE DEPLETION OF THE CASH SURRENDER VALUE OF THE POLICY BY OPERATION OF AN AUTOMATIC PREMIUM LOAN PROVISION OR OTHER NONFORFEITURE PROVISION CONTAINED IN THE POLICY, THE OPERATION OF THE PROVISION DOES NOT PREVENT THE POLICY FROM MATURING OR TERMINATING.~~

(B) WHEN DETERMINING THE ADDRESS OF AN APPARENT OWNER UNDER THIS SUBTITLE:

(1) (I) THE LAST KNOWN ADDRESS OF AN APPARENT OWNER INCLUDES ANY DESCRIPTION, CODE, OR OTHER INDICATION OF THE LOCATION OF THE APPARENT OWNER THAT IDENTIFIES A STATE; AND

(II) AN INDICATION OF THE LOCATION OF THE APPARENT OWNER THAT IDENTIFIES A STATE DOES NOT NEED TO BE SUFFICIENT TO DIRECT THE DELIVERY OF FIRST-CLASS MAIL TO THE APPARENT OWNER;

(2) THIS STATE IS DEEMED TO BE THE STATE OF THE LAST KNOWN ADDRESS OF THE APPARENT OWNER IF:

(I) THE POSTAL ZIP CODE ASSOCIATED WITH THE APPARENT OWNER IS FOR A POST OFFICE LOCATED IN THIS STATE; AND

(II) THERE ARE NO OTHER RECORDS ASSOCIATED WITH THE APPARENT OWNER THAT SPECIFICALLY IDENTIFY THE PHYSICAL ADDRESS OF THE APPARENT OWNER TO BE IN ANOTHER STATE;

(3) ANOTHER STATE IS DEEMED TO BE THE STATE OF THE LAST KNOWN ADDRESS OF THE APPARENT OWNER IF:

(I) THE POSTAL ZIP CODE ASSOCIATED WITH THE APPARENT OWNER IS FOR A POST OFFICE LOCATED OUTSIDE THIS STATE; AND

(II) THERE ARE NO OTHER RECORDS ASSOCIATED WITH THE APPARENT OWNER THAT SPECIFICALLY IDENTIFY THE PHYSICAL ADDRESS OF THE APPARENT OWNER TO BE IN THIS STATE; AND

(4) THE ADDRESS OF THE APPARENT OWNER OF A LIFE OR ENDOWMENT INSURANCE POLICY OR ANNUITY CONTRACT OR ITS PROCEEDS IS PRESUMED TO BE THE ADDRESS OF THE INSURED OR ANNUITANT IF:

(I) A PERSON OTHER THAN THE INSURED OR ANNUITANT IS ENTITLED TO THE AMOUNT OWED UNDER THE POLICY OR CONTRACT; AND

(II) THE ADDRESS OF THE PERSON ENTITLED TO THE AMOUNT OWED UNDER THE POLICY OR CONTRACT IS:

1. NOT KNOWN BY THE INSURANCE COMPANY; AND

2. CANNOT BE DETERMINED UNDER § 17-301.1(D) OF THIS SUBTITLE.

[17-301.] 17-301.1.

(a) (1) For purposes of this section and subject to paragraph (2) of this subsection, a holder shall be deemed to no longer have a valid address for the owner of the property as of the later of:

(i) The date a second communication is returned by the U.S. Postal Service to a holder as undeliverable to an apparent owner, if:

1. The holder sent the second communication to the apparent owner by first-class mail; and

2. A previous communication was:

A. Sent by first-class mail;

B. Sent immediately preceding the second communication;

and

C. Returned by the U.S. Postal Service to the holder as undeliverable to the apparent owner; or

(ii) The date a previous communication is returned by the U.S. Postal Service to a holder as undeliverable to an apparent owner, if the holder:

1. Sent the previous communication to the apparent owner:

A. By first-class mail; and

B. Immediately preceding a second communication; and

2. Sent the second communication to the apparent owner:

A. By first-class mail; and

B. More than 30 days after the previous communication under this subparagraph was sent.

(2) (i) Subject to subparagraph (ii) of this paragraph, if the holder does not send communications to an apparent owner by first-class mail, the holder shall attempt to confirm the apparent owner's interest in the property by e-mailing the apparent owner not later than 2 years after the apparent owner's last indication of interest in the property.

(ii) The holder shall promptly attempt to contact the apparent owner by first-class mail if:

1. The holder does not have the information needed to send an e-mail to the apparent owner;

2. The holder believes the apparent owner's e-mail address in the holder's records is not valid;

3. The holder receives notification that the e-mail was not received; or

4. The apparent owner does not respond to the e-mail communication within 30 days after the e-mail was sent.

(iii) 1. If a mailing sent in accordance with subparagraph (ii) of this paragraph is returned by the U.S. Postal Service to the holder as undeliverable to the apparent owner, the mailing shall constitute a communication for purposes of paragraph (1) of this subsection.

2. If a mailing sent in accordance with subparagraph (ii) of this paragraph is not returned by the U.S. Postal Service to the holder as undeliverable to

1 the apparent owner, the holder shall be presumed to have a valid address for the owner of
2 the property.

3 (b) The following property held by a banking or financial organization[,] or
4 business association is presumed abandoned:

5 (1) Any demand, savings, or matured time deposit account made with a
6 banking organization, together with any interest or dividend on it, excluding any charges
7 that lawfully may be withheld, 3 years after the later of:

8 (i) The date the holder is deemed to no longer have a valid address
9 for the owner of the property; or

10 (ii) The date the owner last:

11 1. Increased or decreased the amount of the deposit;

12 2. Presented evidence of the deposit for the crediting of
13 interest;

14 3. Corresponded in writing with the banking organization
15 concerning the deposit;

16 4. **ACCESSED THE ACCOUNT OR INFORMATION**
17 **CONCERNING THE ACCOUNT;**

18 [4.] 5. Engaged in any credit, trust, or other deposit transaction
19 with the banking organization; or

20 [5.] 6. Otherwise indicated an interest in the deposit as
21 evidenced by a memorandum on file with the banking organization;

22 (2) Any funds paid toward the purchase of shares or other interest in a
23 financial organization, or any deposit made with these funds, and any interest or dividends
24 on these, excluding any charges that lawfully may be withheld, 3 years after the later of:

25 (i) The date the holder is deemed to no longer have a valid address
26 for the owner of the property; or

27 (ii) The date the owner last:

28 1. Increased or decreased the amount of the funds or deposit,
29 or presented an appropriate record for the crediting of interest or dividends;

30 2. Corresponded in writing with the financial organization
31 concerning the funds or deposit;

**3. ACCESSED THE ACCOUNT OR INFORMATION
CONCERNING THE ACCOUNT;**

[3.] 4. Engaged in any credit, share, or other deposit transaction with the financial organization; or

[4.] 5. Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization;

(3) Any sum payable on a check certified in this State or on a written instrument issued in this State on which a banking or financial organization or business association is directly liable, including any certificate of deposit, draft, traveler's check, and money order, that has been outstanding for more than 3 years from the date it was payable (or 15 years in the case of a traveler's check) or, if payable on demand, from the date of its issuance, unless, within 3 years or 15 years in the case of a traveler's check, the owner has:

(i) Corresponded in writing with the banking or financial organization or business association concerning it; [or]

**(II) ACCESSED THE ACCOUNT OR INFORMATION CONCERNING
THE ACCOUNT; OR**

[(ii)] (III) Otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association; and

(4) Any property removed from a safekeeping repository on which the lease or rental period has expired or any surplus amounts arising from the sale of the property pursuant to law, that have been unclaimed by the owner for more than 3 years from the date on which the lease or rental period expired.

(c) Nothing in this section shall be construed to apply to any demand, savings, or matured time deposits that are designated subject to the order of any court of this State.

(d) Property is subject to the custody of this State as unclaimed property if the conditions raising a presumption of abandonment under this section are met and:

(1) The last known address, as shown on the records of the holder, of the apparent owner is in this State;

(2) The records of the holder do not reflect the identity of the person entitled to the property and it is established that the last known address of the person entitled to the property is in this State;

(3) The records of the holder do not reflect the last known address of the apparent owner, and it is established that:

(i) The last known address of the person entitled to the property is in this State; or

(ii) The holder is a domiciliary or a government or governmental subdivision or agency of this State and has not previously paid or delivered the property to the State of the last known address of the apparent owner or other person entitled to the property;

(4) The last known address, as shown on the records of the holder, of the apparent owner is in a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property and the holder is a domiciliary or a government or governmental subdivision or agency of this State;

(5) The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the holder is a domiciliary or a government or governmental subdivision or agency of this State; or

(6) The transaction out of which the property arose occurred in this State and:

(i) The last known address of the apparent owner or other person entitled to the property is unknown or the last known address of the apparent owner or other person entitled to the property is in a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property; and

(ii) The holder is a domiciliary of a state that does not provide by law for the escheat or custodial taking of the property or its escheat or unclaimed property law is not applicable to the property.

(e) The running of the 3-year period of abandonment ceases immediately on:

(1) The holder obtaining a valid address for the owner of the property; or

(2) The occurrence of an action referred to in subsection (b)(1)(ii) or (2)(ii) of this section.

17–302.

(a) Funds held or owing under any life or endowment insurance policy or annuity contract that has matured or terminated are presumed abandoned if unclaimed for more than 3 years after the funds **FIRST** become due and payable [as established from the records of the insurance company holding or owing the funds] **IN ACCORDANCE WITH:**

(1) THE INSURANCE POLICY OR ANNUITY CONTRACT; OR

(2) SECTION 16–118 OF THE INSURANCE ARTICLE.

(b) [If a person other than the insured or annuitant is entitled to the funds and an address of the person is not known to the company or it is not definite and certain from the records of the company who is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the company.

(c)] For purposes of this subtitle, a life or endowment insurance policy or annuity contract not matured by actual proof of the death of the insured or annuitant according to the records of the **INSURANCE** company is matured and the proceeds due and payable if:

(1) The company knows that the insured or annuitant has died; or

(2) (i) The insured has attained, or would have attained if [he] **THE INSURED** were living, the limiting age under the mortality table on which the reserve is based;

(ii) The policy was in force at the time the insured attained, or would have attained, the limiting age specified in item (i) of this paragraph; and

(iii) Neither the insured nor any other person appearing to have an interest in the policy within the preceding 3 years, according to the records of the company, has assigned, readjusted, or paid premiums on the policy, subjected the policy to a loan, corresponded in writing with the company concerning the policy, or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the company.

[(d)] **(C)** (1) **(I)** “Unclaimed funds”, as defined in paragraph (2) of this subsection, held by a fire, casualty, or surety insurance corporation, shall be presumed abandoned if the last known address of the person entitled to the funds, according to the records of the corporation, is in this State.

(II) If a person other than the insured, the principal, or the claimant is entitled to the funds and the address of the person is not known to the corporation or if it is not definite and certain from the records of the corporation which person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured, the principal, or the claimant according to the records of the corporation.

(2) “Unclaimed funds”, as used in this subsection, means all money held by any fire, casualty, or surety insurance corporation unclaimed and unpaid for more than 3 years after the money becomes due and payable, as established from the records of the

corporation, either to an insured, a principal, or a claimant under any fire, casualty, or surety insurance policy or contract.

[(e)] (D) Money otherwise payable according to the records of the corporation is considered due and payable although the policy or contract has not been surrendered as required.

17-302.1.

(A) IN THIS SECTION, "DEATH MASTER FILE" MEANS:

(1) THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE;

OR

(2) ANY OTHER DATABASE OR SERVICE THAT IS AT LEAST AS COMPREHENSIVE AS THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE FOR DETERMINING THAT AN INDIVIDUAL REPORTEDLY HAS DIED.

(B) FOR PURPOSES OF THIS SECTION:

(1) A DEATH MASTER FILE MATCH DESCRIBED UNDER SUBSECTION (C)(3) AND (4) OF THIS SECTION OCCURS IF THE CRITERIA FOR AN EXACT OR PARTIAL MATCH ARE SATISFIED AS PROVIDED BY:

(i) THE INSURANCE ARTICLE; OR

(ii) A RULE OR POLICY ADOPTED BY THE MARYLAND INSURANCE COMMISSIONER.

(2) A DEATH MASTER FILE MATCH OR VALIDATION OF THE INSURED'S OR ANNUITANT'S DEATH DOES NOT ALTER THE REQUIREMENTS FOR A BENEFICIARY, ANNUITANT, OR OWNER OF THE POLICY OR CONTRACT TO MAKE A CLAIM TO RECEIVE PROCEEDS UNDER THE TERMS OF THE POLICY OR CONTRACT.

(3) AN INSURED OR AN ANNUITANT IS PRESUMED DEAD IF THE DATE OF THE INSURED'S OR ANNUITANT'S DEATH IS INDICATED BY A DEATH MASTER FILE MATCH DESCRIBED UNDER SUBSECTION (C)(3) AND (4) OF THIS SECTION, UNLESS THE INSURANCE COMPANY HAS COMPETENT AND SUBSTANTIAL EVIDENCE THAT THE INSURED OR ANNUITANT IS LIVING, INCLUDING A CONTACT MADE BY THE COMPANY WITH THE INSURED OR ANNUITANT OR THE INSURED'S OR ANNUITANT'S LEGAL REPRESENTATIVE.

(C) WITH RESPECT TO A LIFE OR ENDOWMENT INSURANCE POLICY OR ANNUITY CONTRACT FOR WHICH AN AMOUNT IS OWED ON PROOF OF DEATH, BUT

1 THAT HAS NOT MATURED BY PROOF OF DEATH OF THE INSURED OR ANNUITANT, THE
2 INSURANCE COMPANY SHALL BE DEEMED TO HAVE KNOWLEDGE OF THE DEATH OF
3 AN INSURED OR ANNUITANT WHEN:

4 (1) THE COMPANY RECEIVES A DEATH CERTIFICATE OR COURT
5 ORDER DETERMINING THAT THE INSURED OR ANNUITANT HAS DIED;

6 (2) THE COMPANY RECEIVES NOTICE OF THE DEATH OF THE INSURED
7 OR ANNUITANT FROM:

8 (I) THE ADMINISTRATOR OR AN UNCLAIMED PROPERTY
9 ADMINISTRATOR OF ANOTHER STATE;

10 (II) A BENEFICIARY;

11 (III) A POLICY OWNER;

12 (IV) A RELATIVE OF THE INSURED OR ANNUITANT;

13 (V) A REPRESENTATIVE OF THE INSURED OR ANNUITANT,
14 INCLUDING AN ADMINISTRATOR, A GUARDIAN, A STANDBY GUARDIAN, OR A
15 TEMPORARY GUARDIAN; OR

16 (VI) AN EXECUTOR OR OTHER LEGAL REPRESENTATIVE OF THE
17 INSURED'S OR ANNUITANT'S ESTATE;

18 (3) (I) THE COMPANY CONDUCTS A COMPARISON FOR ANY
19 PURPOSE BETWEEN A DEATH MASTER FILE AND THE NAMES OF SOME OR ALL OF THE
20 COMPANY'S INSURED OR ANNUITANTS; AND

21 (II) FINDS A MATCH THAT PROVIDES NOTICE THAT THE
22 INSURED OR ANNUITANT HAS DIED; OR

23 (4) (I) THE ADMINISTRATOR OR THE ADMINISTRATOR'S AGENT IN
24 THE NORMAL COURSE OF BUSINESS CONDUCTS A COMPARISON FOR THE PURPOSE
25 OF FINDING MATCHES BETWEEN A DEATH MASTER FILE AND THE NAMES OF SOME
26 OR ALL OF THE COMPANY'S INSURED OR ANNUITANTS; AND

27 (II) FINDS A MATCH THAT PROVIDES NOTICE THAT THE
28 INSURED OR ANNUITANT HAS DIED.

29 (D) A HOLDER OF FUNDS UNDER § 17-302 OF THIS SUBTITLE SHALL, ON AT
30 LEAST AN ANNUAL BASIS:

(1) CONDUCT A DEATH MASTER FILE EXAMINATION AND COMPARISON DESCRIBED UNDER SUBSECTION (C)(3) OF THIS SECTION ON ALL INSUREDS AND ANNUITANTS; AND

(2) MAKE A RECORD OF THE DATE ON WHICH ANY EXAMINATION AND COMPARISON UNDER ITEM (1) OF THIS SUBSECTION OCCURS.

17-304.

(a) (2) (i) Subject to subparagraph (ii) of this paragraph, if the holder does not send communications to an apparent owner by first-class mail, the holder shall attempt to confirm the apparent owner's interest in the property by e-mailing the apparent owner not later than 2 years after the apparent owner's last indication of APPARENT OWNER interest in the property.

17-306.1.

(A) IN THIS SECTION, "RETURNED AS UNDELIVERABLE" MEANS RETURNED BY THE U.S. POSTAL SERVICE TO THE HOLDER AS UNDELIVERABLE TO THE APPARENT OWNER.

(B) PROPERTY HELD IN A PENSION ACCOUNT OR RETIREMENT ACCOUNT THAT QUALIFIES FOR TAX DEFERRAL UNDER THE INCOME TAX PROVISIONS OF THE INTERNAL REVENUE CODE IS PRESUMED ABANDONED IF IT IS UNCLAIMED BY AN APPARENT OWNER OF THE ACCOUNT AFTER THE LATER OF:

(1) SUBJECT TO SUBSECTIONS (D) THROUGH (F) OF THIS SECTION, 3 YEARS AFTER:

(I) THE DATE A FIRST COMMUNICATION SENT BY THE HOLDER BY FIRST-CLASS MAIL TO THE APPARENT OWNER IS RETURNED AS UNDELIVERABLE; OR

(II) THE DATE A SECOND COMMUNICATION SENT BY THE HOLDER BY FIRST-CLASS MAIL TO THE APPARENT OWNER IS RETURNED AS UNDELIVERABLE, IF THE SECOND COMMUNICATION IS SENT WITHIN 30 DAYS AFTER THE DATE OF THE FIRST COMMUNICATION UNDER ITEM (I) OF THIS ITEM IS RETURNED AS UNDELIVERABLE; OR

(2) IF APPLICABLE, THE EARLIER OF THE FOLLOWING DATES:

(I) 3 YEARS AFTER THE DATE THE APPARENT OWNER BECOMES 72 YEARS OLD, IF DETERMINABLE BY THE HOLDER; OR

(II) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF THE INTERNAL REVENUE CODE REQUIRES DISTRIBUTION TO AVOID A TAX PENALTY, 2 YEARS AFTER THE DATE THE HOLDER:

1. RECEIVES CONFIRMATION OF THE DEATH OF THE APPARENT OWNER IN THE ORDINARY COURSE OF ITS BUSINESS; OR

2. CONFIRMS THE DEATH OF THE APPARENT OWNER.

(C) FOR PURPOSES OF ESTABLISHING A PRESUMPTION OF ABANDONED PROPERTY UNDER THIS SECTION, IF A HOLDER IN THE ORDINARY COURSE OF ITS BUSINESS RECEIVES NOTICE OR AN INDICATION OF THE DEATH OF AN APPARENT OWNER AND SUBSECTION (B)(2)(II) OF THIS SECTION APPLIES, THE HOLDER SHALL ATTEMPT NOT LATER THAN 90 DAYS AFTER RECEIPT OF THE NOTICE OR INDICATION TO CONFIRM WHETHER THE APPARENT OWNER IS DECEASED.

(D) SUBJECT TO SUBSECTION (E) OF THIS SECTION, IF THE HOLDER DOES NOT SEND COMMUNICATIONS TO THE APPARENT OWNER OF AN ACCOUNT BY FIRST-CLASS MAIL AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION, THE HOLDER SHALL ATTEMPT TO CONFIRM THE APPARENT OWNER'S INTEREST IN THE PROPERTY BY SENDING THE APPARENT OWNER AN E-MAIL NOT LATER THAN 2 YEARS AFTER THE LAST INDICATION OF APPARENT OWNER INTEREST IN THE PROPERTY.

(E) THE HOLDER SHALL PROMPTLY ATTEMPT TO CONTACT THE APPARENT OWNER BY REGISTERED MAIL IF:

(1) THE HOLDER DOES NOT HAVE INFORMATION NEEDED TO SEND THE APPARENT OWNER AN E-MAIL OR THE HOLDER BELIEVES THAT THE APPARENT OWNER'S E-MAIL ADDRESS IN THE HOLDER'S RECORDS IS NOT VALID;

(2) THE HOLDER RECEIVES NOTIFICATION THAT THE E-MAIL WAS NOT RECEIVED; OR

(3) THE APPARENT OWNER DOES NOT RESPOND TO THE E-MAIL WITHIN 30 DAYS AFTER THE HOLDER SENDS THE E-MAIL.

(F) (1) IF THE REGISTERED MAIL SENT BY THE HOLDER UNDER SUBSECTION (E) OF THIS SECTION IS RETURNED AS UNDELIVERABLE:

(I) THE REGISTERED MAIL SHALL CONSTITUTE A FIRST COMMUNICATION FOR PURPOSES OF SUBSECTION (B)(1)(I) OF THIS SECTION; AND

(II) THE HOLDER SHALL SEND A SECOND COMMUNICATION TO THE APPARENT OWNER BY FIRST-CLASS MAIL.

(2) (I) IF THE SECOND COMMUNICATION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IS RETURNED AS UNDELIVERABLE WITHIN 30 DAYS AFTER SENDING THE FIRST COMMUNICATION UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE DATE THE SECOND COMMUNICATION IS RETURNED AS UNDELIVERABLE SHALL CONSTITUTE THE DATE FOR PURPOSES OF SUBSECTION (B)(1)(II) OF THIS SECTION.

(II) IF THE SECOND COMMUNICATION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IS SENT MORE THAN 30 DAYS AFTER THE FIRST COMMUNICATION UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IS RETURNED AS UNDELIVERABLE, THE DATE THE FIRST COMMUNICATION IS RETURNED AS UNDELIVERABLE SHALL CONTROL FOR PURPOSES OF DETERMINING A DATE UNDER SUBSECTION (B)(1) OF THIS SECTION.

17-307.2.

(A) VIRTUAL CURRENCY IS PRESUMED ABANDONED IF IT REMAINS UNCLAIMED 5 YEARS AFTER THE LAST INDICATION OF APPARENT OWNER INTEREST IN THE PROPERTY.

(B) WITHIN 30 DAYS BEFORE THE FILING OF THE REPORT REQUIRED UNDER § 17-310 OF THIS SUBTITLE, THE HOLDER OF ABANDONED VIRTUAL CURRENCY SHALL LIQUIDATE THE VIRTUAL CURRENCY.

(C) THE HOLDER SHALL REMIT ANY LIQUIDATION PROCEEDS TO THE ADMINISTRATOR.

(D) NOTWITHSTANDING ANY OTHER PROVISION UNDER THIS SUBTITLE, AN OWNER HAS NO RIGHT OF RECOURSE AGAINST A HOLDER OR THE ADMINISTRATOR TO RECOVER ANY GAIN IN VALUE TO THE VIRTUAL CURRENCY THAT OCCURS AFTER THE LIQUIDATION DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION.

17-308.

(d) Property is reportable to this State under subsection (b) of this section under the priority rules established under [§ 17-301(d)] § 17-301.1(D) of this subtitle.

17-308.1.

(b) A holder may consider a money order dormant or inactive for purposes of imposing a service charge if the owner has taken none of the actions set forth in [§

17-301(b)(3)] **§ 17-301.1(B)(3)** of this subtitle for 1 year from the date of issuance of the money order.

17-311.

(c) The Administrator is not required to publish in the notice any item valued at less than **[\$100] \$50** unless the Administrator considers the publication to be in the public interest.

17-317.

(a) (1) (i) All funds received under this title, including the proceeds of the sale of abandoned property under § 17-316 of this subtitle, shall be credited by the Administrator to a special fund.

(ii) The Administrator shall retain in the special fund at the end of each fiscal year, from the proceeds received[, an]:

1. AN AMOUNT NOT EXCEEDING \$5,000,000 FOR INFORMATION TECHNOLOGY COSTS OF THE ADMINISTRATOR, INCLUDING CYBERSECURITY, CUSTOMER RELATION SYSTEMS, AND A SYSTEM FOR MANAGING UNCLAIMED PROPERTY; AND

2. AN amount [not to exceed \$50,000] OF FUNDS THE ADMINISTRATOR REASONABLY ESTIMATES IS SUFFICIENT, from which sum the Administrator shall pay any claim allowed under this title.

17-318.

(A) (1) Any person who claims a legal interest in any property delivered to the State under this title must [file]:

(I) FILE a claim to the property or to the proceeds from its sale on the form prescribed by the Administrator; **AND**

(II) VERIFY THE CLAIM AS TO ITS COMPLETENESS AND ACCURACY.

(2) AFTER A CLAIM IS FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATOR SHALL ALLOW OR DENY THE CLAIM AND PROVIDE THE CLAIMANT NOTICE OF THE DECISION.

(3) IF A CLAIM FILED IN ACCORDANCE WITH THIS SUBSECTION IS DENIED:

1 **(I) THE ADMINISTRATOR SHALL INFORM THE CLAIMANT OF**
2 **THE REASON FOR THE DENIAL AND SPECIFY WHAT ADDITIONAL EVIDENCE, IF ANY,**
3 **IS REQUIRED FOR THE CLAIM TO BE ALLOWED;**

4 **(II) THE CLAIMANT MAY FILE AN AMENDED CLAIM WITH THE**
5 **ADMINISTRATOR OR COMMENCE AN ACTION UNDER § 17-320 OF THIS SUBTITLE;**
6 **AND**

7 **(III) THE ADMINISTRATOR SHALL CONSIDER AN AMENDED**
8 **CLAIM FILED UNDER ITEM (II) OF THIS PARAGRAPH AS THE INITIAL CLAIM.**

9 **(4) IF THE ADMINISTRATOR DOES NOT TAKE ACTION ON A CLAIM**
10 **DURING THE 6-MONTH PERIOD IMMEDIATELY FOLLOWING THE FILING OF A CLAIM**
11 **UNDER THIS SUBSECTION, THE CLAIM SHALL BE DEEMED DENIED.**

12 **(B) (1) THE ADMINISTRATOR MAY WAIVE THE FILING REQUIREMENT**
13 **UNDER SUBSECTION (A) OF THIS SECTION IF:**

14 **(I) THE PERSON RECEIVING THE PROPERTY OR PAYMENT IS**
15 **THE APPARENT OWNER INCLUDED IN A REPORT FILED UNDER § 17-310 OF THIS**
16 **SUBTITLE;**

17 **(II) THE ADMINISTRATOR REASONABLY BELIEVES THE PERSON**
18 **IS ENTITLED TO RECEIVE THE PROPERTY OR PAYMENT; AND**

19 **(III) THE PROPERTY OR PAYMENT HAS A VALUE OF \$5,000 OR**
20 **LESS.**

21 **(2) IF THE ADMINISTRATOR WAIVES THE FILING REQUIREMENT IN**
22 **ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATOR**
23 **SHALL MAKE PAYMENT IN ACCORDANCE WITH § 17-319(B) OF THIS SUBTITLE.**

24 **(C) THE ADMINISTRATOR SHALL PAY OR DELIVER PROPERTY TO A**
25 **CLAIMANT UNDER THIS SECTION IF THE ADMINISTRATOR RECEIVES EVIDENCE**
26 **SUFFICIENT TO THE SATISFACTION OF THE ADMINISTRATOR TO ESTABLISH THAT**
27 **THE CLAIMANT IS THE OWNER OF THE PROPERTY.**

28 17-319.

29 **(a) (1) The Administrator shall consider any claim filed under this title and**
30 **may hold a hearing and receive evidence concerning it.**

31 **(2) (I) If a hearing is held, [he] THE ADMINISTRATOR shall prepare a**
32 **finding and a decision in writing on each claim filed, stating the substance of any evidence**

heard by [him] THE ADMINISTRATOR and the reasons for [his] THE ADMINISTRATOR'S decision.

(II) The decision shall be a public record.

(b) (1) If the claim is allowed, OR IF THE ADMINISTRATOR WAIVES THE FILING REQUIREMENT IN ACCORDANCE WITH § 17-318(B) OF THIS SUBTITLE, the Administrator immediately shall make payment.

(2) The claim shall be paid without deduction for costs of notices or sale or for service charges.

(c) In satisfying a claim the Administrator shall pay the claimant an amount equal to the sales price obtained at the public sale.

17-319.1.

(A) NOT LATER THAN 6 MONTHS AFTER A CLAIM IS ALLOWED UNDER § 17-318(A) OF THIS SUBTITLE, THE ADMINISTRATOR SHALL DELIVER THE PROPERTY TO THE OWNER OR PAY TO THE OWNER THE NET PROCEEDS OF A SALE OF THE PROPERTY.

(B) THE ADMINISTRATOR MAY APPLY PROPERTY HELD UNDER THIS TITLE BY THE ADMINISTRATOR TO A CLAIM FOR THE PAYMENT OF A DEBT OWED TO THE STATE IDENTIFIED BY OR CERTIFIED TO THE ADMINISTRATOR, INCLUDING DEBTS FOR UNPAID STATE, COUNTY, OR MUNICIPAL TAX.

(C) BEFORE DELIVERY TO AN OWNER OF PROPERTY ~~VALUED AT \$100 OR MORE~~ OR PAYMENT TO AN OWNER FOR NET PROCEEDS OF A SALE OF PROPERTY ~~WHERE THE NET PROCEEDS ARE \$100 OR MORE~~, THE ADMINISTRATOR SHALL:

(1) APPLY THE PROPERTY OR NET PROCEEDS TO ANY DEBT UNDER SUBSECTION (B) OF THIS SECTION THAT THE ADMINISTRATOR DETERMINES IS OWED BY THE OWNER;

(2) PAY THE AMOUNT IDENTIFIED BY OR CERTIFIED TO THE ADMINISTRATOR UNDER SUBSECTION (B) OF THIS SECTION; AND

(3) NOTIFY THE OWNER OF ANY PAYMENT TOWARD A DEBT UNDER SUBSECTION (B) OF THIS SECTION THAT THE ADMINISTRATOR DETERMINES IS OWED BY THE OWNER.

(D) (1) THE ADMINISTRATOR MAY MAKE PERIODIC INQUIRIES OF STATE AND LOCAL AGENCIES IN THE ABSENCE OF A CLAIM FILED UNDER § 17-318(A) OF

1 THIS SUBTITLE TO DETERMINE WHETHER AN APPARENT OWNER INCLUDED IN THE
2 UNCLAIMED PROPERTY RECORDS OF THE STATE HAS ENFORCEABLE DEBTS UNDER
3 SUBSECTION (B) OF THIS SECTION ~~IF THE AMOUNT OF PROPERTY IS VALUED AT \$100~~
4 ~~OR MORE.~~

5 (2) IF THE ADMINISTRATOR IDENTIFIES AN ENFORCEABLE DEBT
6 DURING A PERIODIC INQUIRY, THE ADMINISTRATOR SHALL:

7 (I) APPLY THE PROPERTY OR NET PROCEEDS OF A SALE OF THE
8 PROPERTY HELD BY THE ADMINISTRATOR TO THE DEBT OF AN APPARENT OWNER
9 WHO APPEARS IN THE RECORDS OF THE ADMINISTRATOR;

10 (II) PAY THE AMOUNT IDENTIFIED BY OR CERTIFIED TO THE
11 ADMINISTRATOR UNDER SUBSECTION (B) OF THIS SECTION; AND

12 (III) NOTIFY THE OWNER OF ANY PAYMENT TOWARD A DEBT
13 UNDER SUBSECTION (B) OF THIS SECTION THAT THE ADMINISTRATOR DETERMINES
14 IS OWED BY THE OWNER.

15 17-320.

16 (A) Any person aggrieved by a decision of the Administrator or as to whose claim
17 the Administrator has failed to act within [90 days] 6 MONTHS after the filing of the claim,
18 may commence an action in the circuit court for the county to establish [his] THE claim.

19 (B) The proceeding shall be brought within 90 days after the decision of the
20 Administrator or within [180 days] 1 YEAR from the filing of the claim if the Administrator
21 fails to act.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.