

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 183

AN ACT to amend the Indiana Code concerning property.

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

SECTION 1. IC 32-34-1.5-3, AS AMENDED BY P.L.110-2022, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. The following definitions apply throughout this chapter:

- (1) "Apparent owner" means a person whose name appears on the records of a holder as the owner of property held, issued, or owing by the holder.
- (2) "Attorney general's agent" means a person with which the attorney general contracts to conduct an examination under section 53 of this chapter on behalf of the attorney general.
- (3) "Business association" means a corporation, joint stock company, investment company other than an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.), partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, insurance company, federally chartered entity, utility, sole proprietorship, or other business entity, whether or not for profit.
- (4) "Confidential information" means records, reports, and information that are considered confidential under section 78 of this chapter.

SEA 183 — Concur



- (5) "Controllable electronic record" has the meaning set forth in IC 26-1-11-104.
- (6) "Domicile" means the following:
- (A) For a corporation, the state of its incorporation.
 - (B) For a business association other than a corporation whose formation requires a filing with a state, the state of its filing.
 - (C) For a federally chartered entity or an investment company registered under the Investment Company Act of 1940, as amended (15 U.S.C. 80a-1 et seq.), the state of its home office.
 - (D) For any other holder, the state of its principal place of business.
- (7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (8) "Electronic mail" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.
- (9) "Financial organization" means a savings and loan association, building and loan association, savings bank, industrial bank, bank, banking organization, or credit union.
- (10) "Financial organization loyalty program" means a record given without direct monetary consideration, excluding an annual or periodic fee, under an award, reward, benefit, loyalty, incentive, rebate, or other promotional program established by a financial organization for the purpose of rewarding a relationship with the sponsoring financial organization. The term includes:
- (A) both a physical card and an electronic record; and
 - (B) a program offering a record that is redeemable for money or cash or is otherwise monetized by the financial organization.
- (11) "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.



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

- (A) the value of which does not expire;**
- (B) that may be decreased in value only by redemption for merchandise, goods, or services, or due to any fees deducted by the card issuer; 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).

~~(12)~~ **(13) "Holder"** means a person obligated to hold for the account of, or to deliver or pay to, the owner property subject to this chapter.

~~(13)~~ **(14) "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, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and worker's compensation insurance.

~~(14)~~ **(15) "Loyalty card"** means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program which may be used or redeemed only to obtain goods or services or a discount on goods or services. The term does not include a record that may be redeemed for money or otherwise monetized by the issuer.

~~(15)~~ **(16) "Mineral"** means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, and any other substance defined as a mineral by a law of this state other than this chapter.

~~(16)~~ **(17) "Mineral proceeds"** means an amount payable for the extraction, production, or sale of minerals, or, on the abandonment of the amount, an amount that becomes payable after abandonment. The term includes an amount payable:

- (A) for the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, and delay rental;**
- (B) for the extraction, production, or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment, and production payment; and**



(C) under an agreement or option, including a joint-operation agreement, unit agreement, pooling agreement, and farm out agreement.

~~(17)~~ **(18)** "Money order" means a payment order for a specified amount of money. The term includes an express money order and a personal money order on which the remitter is the purchaser.

~~(18)~~ **(19)** "Municipal bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state.

~~(19)~~ **(20)** "Non-freely transferable security" means a security that cannot be delivered to the attorney general by the Depository Trust & Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

~~(20)~~ **(21)** "Owner" means a person that has a legal, beneficial, or equitable interest in property subject to this chapter or the person's legal representative when acting on behalf of the owner. The term includes:

- (A) for a deposit, a depositor;
- (B) for a trust other than a deposit in trust, a beneficiary;
- (C) for other property, a creditor, claimant, or payee; and
- (D) the lawful bearer of a record that may be used to obtain money, a reward, or a thing of value.

~~(21)~~ **(22)** "Payroll card" means a record that evidences a payroll card account as defined in Regulation E (12 CFR Part 1005).

~~(22)~~ **(23)** "Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

~~(23)~~ **(24)** "Property" means tangible property described in section 8 of this chapter or a fixed and certain interest in intangible property held, issued, or owed in the course of a holder's business or by a government or governmental subdivision, agency, or instrumentality. The term includes:

- (A) all income from or increments to the property; and
- (B) property referred to as or evidenced by:
 - (i) money, virtual currency, interest, or a dividend, check, draft, deposit, or payroll card;
 - (ii) a credit balance, customer's overpayment, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds, or unidentified remittance;



- (iii) a security, except for a worthless security or a security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;
- (iv) a bond, debenture, note, or other evidence of indebtedness;
- (v) money deposited to redeem a security, make a distribution, or pay a dividend;
- (vi) an amount due and payable under an annuity contract or insurance policy; and
- (vii) an amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or a similar benefit.

The term does not include property held in a plan described in Section 529A of the Internal Revenue Code, game related digital content, a financial organization loyalty program, a loyalty card, **a gift card**, or an in-store credit for returned merchandise.

~~(24)~~ **(25)** "Putative holder" means a person believed by the attorney general to be a holder, until the person pays or delivers to the attorney general property subject to this chapter or the attorney general or court makes a final determination that the person is or is not a holder.

~~(25)~~ **(26)** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~(26)~~ **(27)** "Security" means:

- (A) a security (as defined in IC 26-1-8.1-102);
- (B) a security entitlement (as defined in IC 26-1-8.1-102), including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:
 - (i) registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;
 - (ii) payable to the order of the person; or
 - (iii) specifically indorsed to the person; or
- (C) an equity interest in a business association not included in clause (A) or (B).

~~(27)~~ **(28)** "Sign" means, with present intent to authenticate or



adopt a record:

- (A) to execute or adopt a tangible symbol; or
- (B) to attach to or logically associate with the record an electronic symbol, sound, or process.

~~(28)~~ **(29)** "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~(29)~~ **(30)** "Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for the following public services:

- (A) Transmission of communications or information.
- (B) Production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.
- (C) Provision of sewage or septic services, or trash, garbage, or recycling disposal.

~~(30)~~ **(31)** "Virtual currency" means a digital representation of value used as a medium of exchange, unit of account, or store of value, which does not have legal tender status recognized by the United States. The term does not include:

- (A) the software or protocols governing the transfer of the digital representation of value;
- (B) game related digital content;
- (C) a financial organization loyalty program; or
- (D) a loyalty card.

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

SECTION 2. IC 32-34-1.5-4, AS ADDED BY P.L.141-2021, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. Subject to section 11 of this chapter, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified as follows:

- (1) For a traveler's check, fifteen (15) years after issuance.
- (2) For a money order, seven (7) years after issuance.
- (3) For a state or municipal bond, bearer bond, or original issue discount bond, three (3) years after the earliest of the date the bond matures or is called or the obligation to pay the principal of the bond arises.
- (4) For a debt of a business association, three (3) years after the obligation to pay arises.
- (5) For a payroll card or demand, savings, or time deposit,



including a deposit that is automatically renewable, three (3) years after the maturity of the deposit. This does not include a deposit that is automatically renewable, which is deemed matured on its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at the time of account opening or at or about the time of the renewal.

(6) For money ~~or a credit~~ owed to a customer as a result of a retail business transaction, ~~other than in-store credit for returned merchandise~~, three (3) years after the obligation arose.

(7) For an amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, three (3) years after the obligation to pay arose under the terms of the policy or contract. If a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, the amount must be paid as follows:

(A) With respect to an amount owed on a life or endowment insurance policy, three (3) years after the earlier of the date the insurance company has knowledge of the death of the insured or the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based.

(B) With respect to an amount owed on an annuity contract, three (3) years after the date the insurance company has knowledge of the death of the annuitant.

(8) For property distributable by a business association in the course of dissolution, one (1) year after the property becomes distributable.

(9) For property held by a court, including property received as proceeds of a class action, ~~one (1) year~~ **three (3) years** after the property becomes distributable.

(10) For property held by a government or governmental subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, one (1) year after the property becomes distributable.

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

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



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

SECTION 3. IC 32-34-1.5-18, AS ADDED BY P.L.141-2021, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18. (a) A holder of property presumed abandoned and subject to the custody of the attorney general must report in **a an electronic** record to the attorney general concerning the property. The attorney general may not require a holder to file a paper report.

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

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

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

SECTION 4. IC 32-34-1.5-19, AS ADDED BY P.L.141-2021, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 19. (a) The report required under section 18 of this chapter must:

- (1) be signed by or on behalf of the holder and verified as to its completeness and accuracy;
- (2) **if be** filed electronically, **and** be in a secure format approved by the attorney general which protects confidential information of the apparent owner in the same manner as required of the attorney general's agent under section 80 of this chapter;
- (3) describe the property;
- (4) contain:
 - (A) the name, if known;
 - (B) the last known address, if known; and
 - (C) the Social Security number or taxpayer identification number, if known or readily ascertainable;
 of the apparent owner of the property of property with a value of fifty dollars (\$50) or more;
- (5) for an amount held or owing under a life or endowment insurance policy or annuity contract, contain the name and last known address of the insured, annuitant, or other apparent owner of the policy or contract and of the beneficiary;
- (6) for property held in or removed from a safe deposit box, indicate the location of the property, where it may be inspected by



the attorney general, and any amounts owed to the holder under section 32 of this chapter;

(7) contain the commencement date for determining abandonment under sections 4, 5, 6, 7, 8, and 9 of this chapter;

(8) state that the holder has complied with the notice requirements of section 23 of this chapter;

(9) identify property that is a non-freely transferable security and explain why it is a non-freely transferable security; and

(10) include any other information required by the attorney general.

(b) A report required under section 18 of this chapter may include in the aggregate items valued under fifty dollars (\$50) each. If the report includes items in the aggregate valued under fifty dollars (\$50) each, the attorney general may ~~not~~ require the holder to provide the name and address of an apparent owner of an item, ~~unless the information is necessary to verify or process a claim in progress by the apparent owner.~~ **if known.**

(c) A report required under section 18 of this chapter may include personal information as defined in section 77(a) of this chapter about the apparent owner or the apparent owner's property to the extent not otherwise prohibited by federal law.

(d) If a holder has changed its name while holding property presumed abandoned or is a successor to another person that previously held the property for the apparent owner, the holder must include in the report required under section 18 of this chapter its former name or the name of the previous holder, if any, and the known name and address of each previous holder of the property.

(e) In the case of a report of virtual currency to the attorney general, the holder shall liquidate the virtual currency at any time within thirty (30) days before filing the report required under section 18 of this chapter and remit the proceeds to the attorney general. The owner shall have no recourse against either the:

(1) holder; or

(2) attorney general;

for any change in value after the liquidation required by this subsection.

SECTION 5. IC 32-34-1.5-29, AS ADDED BY P.L.141-2021, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 29. (a) Except as otherwise provided in this section, upon filing a report under section 18 of this chapter, the holder shall pay or deliver to the attorney general the property described in the report.



(b) If property in a report under section 18 of this chapter is an automatically renewable deposit and a penalty or forfeiture in the payment of interest would result from paying the deposit to the attorney general at the time of the report, the date for payment of the property to the attorney general is extended until a penalty or forfeiture no longer would result from payment.

(c) Tangible property in a safe deposit box ~~may not~~ **shall** be delivered to the attorney general ~~until~~ **not later than** thirty (30) days after filing the report under section 18 of this chapter.

(d) If property reported to the attorney general under section 18 of this chapter is a security, the attorney general may:

- (1) make an endorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer, its transfer agent, or the securities intermediary to transfer the security; or
- (2) dispose of the security under section 38 of this chapter.

(e) If the holder of property reported to the attorney general under section 18 of this chapter is the issuer of a certificated security, the attorney general may obtain a replacement certificate in physical or book entry form under IC 26-1-8.1-405. An indemnity bond is not required.

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

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

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

SECTION 6. IC 32-34-1.5-33, AS ADDED BY P.L.141-2021, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 33. (a) If property other than money is delivered to the attorney general, the owner is entitled to receive from the



attorney general income or gain realized or accrued on the property before the property is sold.

(b) If the property was an interest bearing demand, savings, or time deposit, the attorney general shall pay interest at the lesser rate of the average commercial interest rate for similar interest bearing property, as determined by an appropriate index, or the rate the property earned while in the possession of the holder. Interest begins to accrue when the property is delivered to the attorney general and ends on the date on which ~~payment is made~~ **the attorney general issues payment** to the owner.

(c) If the property is property that is not an interest bearing demand, savings, or time deposit that has earned interest while in the custody of the attorney general, the attorney general shall pay interest at the state's internal rate of return for the state general fund. Interest begins to accrue on the later of:

- (1) the date the property is delivered to the attorney general;**
- or**
- (2) the date the property begins earning interest.**

The accrual of interest ends on the date on which the attorney general issues payment to the owner.

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

SECTION 7. IC 32-34-1.5-48, AS ADDED BY P.L.141-2021, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 48. (a) A person claiming to be the owner of property held under this chapter by the attorney general may file a claim for the property on a form prescribed by the attorney general. The claimant must verify the claim as to its completeness and accuracy.

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

- (1) the person receiving the property or payment is shown to be the apparent owner included on a report filed under section 18 of this chapter;
- (2) the attorney general reasonably believes the person is entitled to receive the property or payment; and
- (3) the property has a value of less than ~~one~~ **five** thousand dollars ~~(\$1,000): (\$5,000).~~

(c) A person may file a claim under subsection (a) at any time not later than twenty-five (25) years after the date on which the property is presumed abandoned under this chapter, notwithstanding the expiration of any other time period specified by statute, contract, or court order



during which an action or a proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 183 — Concur

