

SENATE BILL 611

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 66,
Chapter 29, relative to unclaimed property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 66-29-106(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) Except as otherwise provided in § 66-29-113, and except for property held in a governmental plan, as that term is defined in 26 U.S.C. § 414, property held in a pension account or retirement account that qualifies for tax deferral under the income tax laws of the United States, or property held in a Roth IRA, as that term is defined in 26 U.S.C. § 408A, is presumed abandoned if it is unclaimed by the apparent owner three (3) years after the later of:

(1) The date a second consecutive communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States postal service, or, if the second communication is sent later than thirty (30) days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States postal service; or

(2) The earlier of:

(A) The date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty; provided, however, that for the

purpose of determining a holder's reporting obligation pursuant to this section, Roth IRAs are treated like tax deferred retirement accounts; or

(B) If the Internal Revenue Code (26 U.S.C. § 1 et seq.) requires distribution, two (2) years after the date the holder in the ordinary course of its business receives confirmation of the death of the apparent owner.

SECTION 2. Tennessee Code Annotated, Section 66-29-124(a)(4), is amended by deleting the subdivision in its entirety and substituting instead the following:

(4) Except for the report of a traveler's check, money order, or similar instrument, contain, if known or readily ascertainable, the name, last known address, date of birth, and social security number or taxpayer identification number of the apparent owner of property with a value of twenty-five dollars (\$25.00) or more;

SECTION 3. Tennessee Code Annotated, Section 66-29-124(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) A report under § 66-29-123 may include, in the aggregate, items valued at less than twenty-five dollars (\$25.00) per item. If the report includes items, in the aggregate, valued at less than twenty-five dollars (\$25.00) per item, the treasurer shall 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.

SECTION 4. Tennessee Code Annotated, Section 66-29-152(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) The treasurer may waive the requirement in subsection (a) to file a claim and pay or deliver property directly to any person if:

(1) The person receiving the property or payment is shown to be the same person as the apparent owner included on a report filed under § 66-29-123; and

(2) The treasurer reasonably believes the person is entitled to receive the property or payment.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.