

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0738.01 Ed DeCecco x4216

SENATE BILL 21-121

SENATE SPONSORSHIP

Hansen and Priola,

HOUSE SPONSORSHIP

Bockenfeld and Bird,

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE "REVISED UNIFORM
102 UNCLAIMED 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>.)

Section 1 of the bill defines and exempts a financial organization loyalty card from the property that is subject to the "Revised Uniform Unclaimed Property Act". **Section 2** repeals the presumption of abandonment in the act that took effect on July 1, 2020, for demand, savings, or time deposits with a financial organization, and **section 3** replaces it by reenacting the similar version that was in effect prior to July

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

1, 2020, which has the same 5-year period for property to be presumed abandoned but has different owner activities that rebut the presumption of abandonment. It also delays the time that a financial organization is required to deliver this property to the administrator, if a penalty or forfeiture in the payment of interest would result from the delivery of the property.

Section 4 repeals the requirement that the administrator's record of persons appearing on the holders' reports be available for inspection.

Section 5 repeals the prohibition on the administrator including the home or physical address of an apparent owner when providing additional identifying information concerning the apparent owner's property in published notices and on the website.

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-13-102, **amend**
3 (24)(c)(IV), (24)(c)(V), (30)(c), (32)(b), and (32)(c); and **add** (9.5),
4 (24)(c)(VI), and (32)(d) as follows:

5 **38-13-102. Definitions.** As used in this article 13, unless the
6 context otherwise requires:

7 (9.5) "FINANCIAL ORGANIZATION LOYALTY CARD" MEANS A
8 RECORD GIVEN WITH OR WITHOUT DIRECT MONETARY CONSIDERATION,
9 UNDER AN AWARD, REWARD, BENEFIT, LOYALTY, INCENTIVE, REBATE, OR
10 PROMOTIONAL PROGRAM ESTABLISHED BY A FINANCIAL ORGANIZATION
11 FOR PURPOSES OF REWARDING A RELATIONSHIP WITH THE SPONSORING
12 ENTITY. THE TERM INCLUDES A RECORD THAT MAY BE MONETIZED.

13 (24) "Property" means tangible property described in section
14 38-13-205 or a fixed and certain interest in intangible property held,
15 issued, or owed in the course of a holder's business or by a government,
16 governmental subdivision, agency, or instrumentality. The term:

17 (c) Does not include:

18 (IV) A paper certificate that is redeemable upon presentation for
19 goods or services; ~~or~~

1 (V) Unclaimed capital credit payments held by cooperative
2 electric associations and telephone cooperatives; OR

3 (VI) A FINANCIAL ORGANIZATION LOYALTY CARD.

4 (30) "Stored-value card":

5 (c) Does not include a loyalty card, A FINANCIAL ORGANIZATION
6 LOYALTY CARD, or game-related digital content.

7 (32) "Virtual currency" means a digital representation of value
8 used as a medium of exchange, unit of account, or a store of value, but
9 does not have legal tender status as recognized by the United States. The
10 term does not include:

11 (b) Game-related digital content; or

12 (c) A loyalty card; OR

13 (d) A FINANCIAL ORGANIZATION LOYALTY CARD.

14 **SECTION 2.** In Colorado Revised Statutes, 38-13-201, **repeal**
15 (1)(e) as follows:

16 **38-13-201. When property presumed abandoned.** (1) Subject
17 to section 38-13-210, the following property is presumed abandoned if it
18 is unclaimed by the apparent owner during the period specified in this
19 section:

20 (e) ~~Demand, savings, or time deposit, including a deposit that is~~
21 ~~automatically renewable, five years after the maturity of the deposit;~~
22 ~~except that a deposit that is automatically renewable is deemed matured~~
23 ~~on its initial date of maturity unless the apparent owner consented in a~~
24 ~~record on file with the holder to renewal at or about the time of the~~
25 ~~renewal;~~

26 **SECTION 3.** In Colorado Revised Statutes, **add** 38-13-207.5 as
27 follows:

1 **38-13-207.5. Bank deposits and funds in financial**

2 **organizations - definition.** (1) ANY DEMAND, SAVINGS, OR MATURED
3 TIME DEPOSIT WITH A FINANCIAL ORGANIZATION, INCLUDING A DEPOSIT
4 THAT IS AUTOMATICALLY RENEWABLE, AND ANY FUNDS PAID TOWARD THE
5 PURCHASE OF A SHARE, A MUTUAL INVESTMENT CERTIFICATE, OR ANY
6 OTHER INTEREST IN A FINANCIAL ORGANIZATION IS PRESUMED
7 ABANDONED UNLESS THE OWNER, WITHIN FIVE YEARS, HAS:

8 (a) IN THE CASE OF A DEPOSIT, INCREASED OR DECREASED ITS
9 AMOUNT OR PRESENTED THE PASSBOOK OR OTHER SIMILAR EVIDENCE OF
10 THE DEPOSIT FOR THE CREDITING OF INTEREST;

11 (b) COMMUNICATED IN WRITING WITH THE BANKING OR FINANCIAL
12 ORGANIZATION CONCERNING THE PROPERTY;

13 (c) OTHERWISE INDICATED AN INTEREST IN THE PROPERTY AS
14 EVIDENCED BY A MEMORANDUM OR OTHER RECORD ON FILE PREPARED BY
15 AN EMPLOYEE OF THE FINANCIAL ORGANIZATION;

16 (d) OWNED OTHER PROPERTY TO WHICH SUBSECTION (1)(a), (1)(b),
17 OR (1)(c) OF THIS SECTION APPLIES AND UNLESS THE FINANCIAL
18 ORGANIZATION COMMUNICATES IN WRITING WITH THE OWNER WITH
19 REGARD TO THE PROPERTY THAT WOULD OTHERWISE BE PRESUMED
20 ABANDONED UNDER THIS SUBSECTION (1) AT THE ADDRESS TO WHICH
21 COMMUNICATIONS REGARDING THE OTHER PROPERTY REGULARLY ARE
22 SENT; OR

23 (e) HAD ANOTHER RELATIONSHIP WITH THE FINANCIAL
24 ORGANIZATION CONCERNING WHICH THE OWNER HAS:

25 (I) COMMUNICATED IN WRITING WITH THE FINANCIAL
26 ORGANIZATION; OR

27 (II) OTHERWISE INDICATED AN INTEREST AS EVIDENCED BY A

1 MEMORANDUM OR OTHER RECORD ON FILE PREPARED BY AN EMPLOYEE OF
2 THE BANKING OR FINANCIAL ORGANIZATION AND UNLESS THE BANKING OR
3 FINANCIAL ORGANIZATION COMMUNICATES IN WRITING WITH THE OWNER
4 WITH REGARD TO THE PROPERTY THAT WOULD OTHERWISE BE ABANDONED
5 UNDER THIS SUBSECTION (1) AT THE ADDRESS TO WHICH
6 COMMUNICATIONS REGARDING THE OTHER RELATIONSHIP REGULARLY ARE
7 SENT.

8 (2) ANY PROPERTY DESCRIBED IN SUBSECTION (1) OF THIS SECTION
9 THAT IS AUTOMATICALLY RENEWABLE IS MATURED FOR PURPOSES OF
10 SUBSECTION (1) OF THIS SECTION UPON THE EXPIRATION OF ITS INITIAL
11 TIME PERIOD, BUT, IN THE CASE OF ANY RENEWAL TO WHICH THE OWNER
12 CONSENTS AT OR ABOUT THE TIME OF RENEWAL BY COMMUNICATING IN
13 WRITING WITH THE FINANCIAL ORGANIZATION OR OTHERWISE INDICATING
14 CONSENT AS EVIDENCED BY A MEMORANDUM OR OTHER RECORD ON FILE
15 PREPARED BY AN EMPLOYEE OF THE ORGANIZATION, THE PROPERTY IS
16 MATURED UPON THE EXPIRATION OF THE LAST TIME PERIOD FOR WHICH
17 CONSENT WAS GIVEN. IF, AT THE TIME PROVIDED FOR DELIVERY IN SECTION
18 38-13-603, A PENALTY OR FORFEITURE IN THE PAYMENT OF INTEREST
19 WOULD RESULT FROM THE DELIVERY OF THE PROPERTY, THE TIME FOR
20 DELIVERY IS EXTENDED UNTIL THE TIME WHEN NO PENALTY OR
21 FORFEITURE WOULD RESULT.

22 (3) FOR PURPOSES OF THIS SECTION, "PROPERTY" INCLUDES
23 INTEREST AND DIVIDENDS.

24 **SECTION 4.** In Colorado Revised Statutes, 38-13-801, **amend**
25 (4) as follows:

26 **38-13-801. Unclaimed property trust fund - creation -**
27 **payments - interest - appropriations - records - rules.** (4) Before

1 crediting any money to the trust fund pursuant to subsection (1) of this
2 section, the administrator shall record the name and last-known address
3 of each person appearing from the holders' reports to be entitled to the
4 property. ~~The record must be available for public inspection during all~~
5 ~~reasonable business hours.~~

6 **SECTION 5.** In Colorado Revised Statutes, 38-13-1403, **amend**
7 (2) as follows:

8 **38-13-1403. When confidential information may be disclosed.**

9 (2) Except as otherwise provided in section 38-13-1402 (1), the
10 administrator shall include in published notices and on a website or
11 database required by section 38-13-503 (3) the name of each apparent
12 owner of property held by the administrator. The administrator may
13 include in published notices, printed publications, telecommunications,
14 the internet, or other media and on the website or in the database
15 additional information concerning the apparent owner's property if the
16 administrator believes the information will assist in identifying and
17 returning property to the owner and does not disclose personal
18 information. ~~except the home or physical address of an apparent owner.~~

19 **SECTION 6. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety.