

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: S3/26/07

# A Bill

SENATE BILL 818

5 By: Senator Madison  
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## For An Act To Be Entitled

8  
9 *AN ACT TO INCLUDE GIFT CERTIFICATES, STORE GIFT*  
10 *CARDS, AND GENERAL USE PREPAID CARDS UNDER THE*  
11 *UNCLAIMED PROPERTY ACT; TO CREATE A MISCELLANEOUS*  
12 *FUND FOR UNCLAIMED GIFT CERTIFICATES, UNCLAIMED*  
13 *STORE GIFT CARDS, AND UNCLAIMED GENERAL USE*  
14 *PREPAID CARDS; AND FOR OTHER PURPOSES.*

## Subtitle

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17 *TO PROVIDE FOR A MISCELLANEOUS FUND FOR*  
18 *UNCLAIMED GIFT CERTIFICATES, UNCLAIMED*  
19 *STORE GIFT CARDS, OR UNCLAIMED GENERAL*  
20 *USE PREPAID CARDS.*

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 *SECTION 1.* Arkansas Code § 18-28-201(13), concerning the definition of  
26 "property", is amended to read as follows:

27 (13)(A) "Property" means tangible property described in § 18-28-  
28 203 or a fixed and certain interest in intangible property that is held,  
29 issued, or owed in the course of a holder's business, or by a government,  
30 governmental subdivision, agency, or instrumentality, and all income or  
31 increments therefrom. The term includes property that is referred to as or  
32 evidenced by:

33 (i) money, a check, draft, deposit, interest, or  
34 dividend;

35 (ii) credit balance, customer's overpayment,  
36 security deposit, refund, credit memorandum, unpaid wage, gift



1 certificate, store gift card, or general use prepaid card, mineral proceeds,  
2 or unidentified remittance;

3 (iii) stock or other evidence of ownership of an  
4 interest in a business association or financial organization;

5 (iv) a bond, debenture, note, or other evidence of  
6 indebtedness;

7 (v) money deposited to redeem stocks, bonds,  
8 coupons, or other securities or to make distributions;

9 (vi) an amount due and payable under the terms of an  
10 annuity or insurance policy, including policies providing life insurance,  
11 property and casualty insurance, workers' compensation insurance, or health  
12 and disability insurance; and

13 (vii) an amount distributable from a trust or  
14 custodial fund established under a plan to provide health, welfare, pension,  
15 vacation, severance, retirement, death, stock purchase, profit sharing,  
16 employee savings, supplemental unemployment insurance, or similar benefits.

17 (B) "Property" does not include ~~gift certificates, gift~~  
18 ~~cards~~, in-store merchandise credits, or layaway accounts issued or maintained  
19 by any person in the business of selling tangible personal property at retail  
20 and such items shall not be subject to this subchapter.

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22 *SECTION 2.* Arkansas Code § 18-28-202(a), concerning presumptions of  
23 abandonment, is amended to add an additional subdivision to read as follows:

24 (14) all other property, five (5) years after the owner's right  
25 to demand the property or after the obligation to pay or distribute the  
26 property arises, whichever first occurs; ~~and~~

27 (15) unclaimed property payable or distributable in the course  
28 of a demutualization of an insurance company five (5) years after the earlier  
29 of:

30 (A) the date of last contact with the policy holder; or

31 (B) the date the property became payable or distributable;

32 and

33 (16) a gift certificate, a store gift card, or a general use  
34 prepaid card, unused for a period of two (2) years.

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36 *SECTION 3.* Arkansas Code § 18-28-213(a), concerning the deposit of

1 unclaimed property funds, is amended to read as follows:

2 (a)(1) Except for those funds received from gift certificates, store  
 3 gift cards, or general use prepaid cards, All all funds received under this  
 4 subchapter, including the proceeds from the sale of abandoned property, shall  
 5 be deposited by the administrator in a special trust fund to be known as the  
 6 "Unclaimed Property Proceeds Trust Fund", from which he shall make prompt  
 7 payment of claims duly allowed by him as hereinafter provided. Such funds  
 8 shall be deposited in accounts in one (1) or more financial institutions  
 9 authorized to do business in this state to be administered in accordance with  
 10 the laws of this state pertaining to the appropriation, administration, and  
 11 expenditure of cash funds. Before making the deposit, he shall record the  
 12 name and last known address of each person appearing from the holder's  
 13 reports to be entitled to the abandoned property, and the name and last known  
 14 address of each insured or annuitant, and, with respect to each policy or  
 15 contract listed in the report of a life insurance corporation, its number,  
 16 the name of the corporation, and the amount due. The record shall be  
 17 available for public inspection at all reasonable business hours.

18 (2) The administrator shall deposit funds received from gift  
 19 certificates, store gift cards, or general use prepaid cards into the Child  
 20 Maltreatment Fund.

21  
 22 SECTION 4. Arkansas Code Title 19, Chapter 5, Subchapter 12 is amended  
 23 to add an additional section to read as follows:

24 19-5-1230. Child Maltreatment Fund.

25 (a) There is created on the books of the Treasurer of State, the  
 26 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous  
 27 fund to be known as the "Child Maltreatment Fund".

28 (b)(1) All moneys collected from an unclaimed gift certificate,  
 29 unclaimed store gift card, or an unclaimed general use prepaid card under §  
 30 18-28-213 shall be deposited by the Auditor of State into the State Treasury  
 31 to the credit of the fund as miscellaneous revenues.

32 (2) The fund shall also consist of any other revenues as may be  
 33 authorized by law.

34 (c) The fund shall be used by the Division of Children and Family  
 35 Services of the Department of Health and Human Services for the operation and  
 36 improvement of services for maltreated children.

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*/s/ Madison*