

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 498

4
5 By: Senator Brown
6
7

For An Act To Be Entitled

8
9 "AN ACT TO CLARIFY THE DEFINITION OF INTANGIBLE
10 PROPERTY AND CREDIT MEMOS FOUND IN THE UNIFORM
11 DISPOSITION OF UNCLAIMED PROPERTY ACT; AND FOR OTHER
12 PURPOSES. "
13

Subtitle

14
15 "TO CLARIFY THE DEFINITION OF INTANGIBLE
16 PROPERTY AND CREDIT MEMOS FOUND IN THE
17 UNIFORM DISPOSITION OF UNCLAIMED
18 PROPERTY ACT. "
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code 18-28-201(10)(B) is amended to read as
24 follows:

25 "~~(B) [Repealed]~~ 'Intangible property' does not include gift
26 certificates, gift cards, in-store merchandise credits, or layaway accounts
27 issued or maintained by any person in the business of selling tangible
28 personal property at retail and such items shall not be subject to this
29 subchapter."
30

31 SECTION 2. Arkansas Code 18-28-201(12) is amended to read as follows:

32 "~~(12) 'Gift certificates and credit~~ Credit memos' means mean that a
33 ~~gift certificate or a credit memo~~ issued in the ordinary course of the
34 issuer's business which remains unclaimed by the owner for more than seven (7)
35 years after becoming payable or distributable is presumed abandoned; and"
36 ~~(A) In the case of a gift certificate, the amount presumed~~

1 ~~abandoned is the price paid by the purchaser of the gift certificate;~~

2 ~~(B) In the case of a credit memo,~~ the amount presumed abandoned
 3 is the amount credited to the recipient of the credit memo;"

4
 5 SECTION 3. All provisions of this act of a general and permanent nature
 6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 7 Revision Commission shall incorporate the same in the Code.

8
 9 SECTION 4. If any provision of this act or the application thereof to
 10 any person or circumstance is held invalid, such invalidity shall not affect
 11 other provisions or applications of the act which can be given effect without
 12 the invalid provision or application, and to this end the provisions of this
 13 act are declared to be severable.

14
 15 SECTION 5. All laws and parts of laws in conflict with this act are
 16 hereby repealed.

17
 18 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the
 19 Eighty-second General Assembly that some states are using the unclaimed
 20 property laws to make claims against retail merchants and others which were
 21 not intended to be covered by such laws; such claims often involve business
 22 transactions entered into by retail merchants in the ordinary course of
 23 business which are not supported by the type of records necessary to defend
 24 claims under the unclaimed property laws; such transactions are available as a
 25 service to the public, and merchants bear direct and indirect costs which they
 26 are entitled to recover in the ordinary course of business; and that claims
 27 for delivery of such property could create substantial hardships or put
 28 businesses in Arkansas out of business for reasons which were not intended by
 29 the Arkansas Legislature in adopting unclaimed property law. Therefore, an
 30 emergency is declared to exist and this act being immediately necessary for
 31 the preservation of the public peace, health and safety shall become effective
 32 on the date of its approval by the Governor. If the bill is neither approved
 33 nor vetoed by the Governor, it shall become effective on the expiration of the
 34 period of time during which the Governor may veto the bill. If the bill is
 35 vetoed by the Governor and the veto is overridden, it shall become effective
 36 on the date the last house overrides the veto.