

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1104

4
5 By: Representative Dickinson
6 By: Senator Faris

For An Act To Be Entitled

10 AN ACT TO AMEND THE UNCLAIMED PROPERTY ACT; AND
11 FOR OTHER PURPOSES.

Subtitle

12 AMENDS THE UNCLAIMED PROPERTY ACT.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code § 18-28-211 is amended to read as follows:

20 18-28-211. Crediting of dividends, interest, and increments to owner's
21 account.

22 If property other than money is delivered to the administrator under
23 this subchapter, the owner is entitled to receive from the administrator any
24 income or gain realized or accruing on the property at or before liquidation
25 or conversion of the property into money. ~~If~~ However, if the property was an
26 interest bearing demand, savings, or time deposit, including a deposit that
27 is automatically renewable, the administrator shall not pay interest on ~~at a~~
28 ~~rate of six percent (6%) a year or any lesser rate~~ the property earned while
29 in the possession of the holder. ~~Interest begins to accrue when the property~~
30 ~~is delivered to the administrator and ceases on the earlier of the expiration~~
31 ~~of seven (7) years after delivery or the date on which payment is made to the~~
32 ~~owner. Interest on interest bearing property is not payable for any period~~
33 ~~before July 30, 1999, unless authorized by law superseded by this subchapter.~~

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35 SECTION 2. Arkansas Code § 18-28-212(a), pertaining to the procedures
36 for selling abandoned property, is amended to read as follows:



1 (a)(1) Except as otherwise provided in this section, the
 2 administrator, within three (3) years after the receipt of abandoned
 3 property, shall sell it to the highest bidder at public sale at a location in
 4 the state which in the judgment of the administrator affords the most
 5 favorable market for the property. The administrator may decline the highest
 6 bid and reoffer the property for sale if the administrator considers the bid
 7 to be insufficient. The administrator need not offer the property for sale if
 8 the administrator considers that the probable cost of sale will exceed the
 9 proceeds of the sale.

10 (2) A sale held under this section must be preceded by a single
 11 publication of notice, at least three (3) weeks before sale, in a newspaper
 12 of general circulation in the county in which the property is to be sold.
 13 However, the administrator is not required to publish notice under this
 14 section if the abandoned property will be sold through an Internet auction.

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 16 SECTION 3. Arkansas Code § 18-28-215 is amended to read as follows:

17 18-28-215. Filing claim with administrator - Handling of claims by
 18 administrator.

19 (a) A person, excluding another state, claiming property paid or
 20 delivered to the administrator may file a claim on a form prescribed by the
 21 administrator and verified by the claimant.

22 (b) Within ninety (90) days after a claim is filed, the administrator
 23 shall allow or deny the claim and give written notice of the decision to the
 24 claimant. If the claim is denied, the administrator shall inform the claimant
 25 of the reasons for the denial and specify what additional evidence is
 26 required before the claim will be allowed. The claimant may then file a new
 27 claim with the administrator or maintain an action under § 18-28-216.

28 (c)(1) ~~Within~~ Except as provided in subdivision (c)(2) of this
 29 section, within thirty (30) days after a claim is allowed, the property or
 30 the net proceeds of a sale of the property must be delivered or paid by the
 31 administrator to the claimant, together with any dividend, interest, or other
 32 increment to which the claimant is entitled under §§ 18-28-211 and 18-28-212.

33 (2) If in order to transfer property to the claimant under this
 34 section, fees or costs are required to be paid prior to transfer, the
 35 administrator may sell all or a portion of the property and deduct the costs
 36 of transfer from the proceeds of the sale, and any proceeds remaining shall

1 be paid to the claimant.

2 (d) A holder who pays the owner for property that has been delivered
3 to the state and which, if claimed from the administrator by the owner would
4 be subject to an increment under §§ 18-28-211 and 18-28-212, may recover from
5 the administrator the amount of the increment.

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7 SECTION 4. Arkansas Code § 18-28-224(a), pertaining to the interest
8 rate to be paid by a holder, is amended to read as follows:

9 (a) A holder who fails to report, pay, or deliver property within the
10 time prescribed by this subchapter shall pay to the administrator interest at
11 the annual rate of ~~two (2) percentage points above the annual rate of~~
12 ~~discount in effect on the date the property should have been paid or~~
13 ~~delivered for the most recent issue of fifty two week United States Treasury~~
14 ~~bills~~ ten percent (10%) on the property or value thereof from the date the
15 property should have been reported, paid or delivered.

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