

IN THE SENATE

SENATE BILL NO. 1325

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO UNCLAIMED PROPERTY ACT; AMENDING SECTION 14-541, IDAHO
2 CODE, TO PROVIDE A SHORT TITLE AND TO REDESIGNATE THE SECTION; AMEND-
3 ING SECTION 14-501, IDAHO CODE, TO ADD, REVISE AND REMOVE DEFINITIONS
4 AND TO REDESIGNATE THE SECTION; AMENDING SECTION 14-537, IDAHO CODE,
5 TO PROVIDE FOR INAPPLICABILITY OF THE ACT TO FOREIGN TRANSACTIONS AND
6 TO REDESIGNATE THE SECTION; AMENDING SECTION 14-539, IDAHO CODE, TO
7 PROVIDE FOR RULEMAKING AND TO REDESIGNATE THE SECTION; REPEALING SEC-
8 TION 14-505, IDAHO CODE, RELATING TO CERTAIN CHECKS, DRAFTS AND SIMILAR
9 INSTRUMENTS; AMENDING SECTION 14-502, IDAHO CODE, TO PROVIDE FOR TIME
10 PERIODS AFTER WHICH CERTAIN PROPERTY IS PRESUMED ABANDONED AND TO RE-
11 DESIGNATE THE SECTION; REPEALING SECTION 14-506, IDAHO CODE, RELATING
12 TO BANK DEPOSITS AND FUNDS IN FINANCIAL ORGANIZATIONS; AMENDING CHAPTER
13 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-506, IDAHO
14 CODE, TO PROVIDE FOR THE PRESUMPTION OF ABANDONMENT OF A TAX-DEFERRED
15 RETIREMENT ACCOUNT; REPEALING SECTION 14-507, IDAHO CODE, RELATING TO
16 FUNDS OWING UNDER LIFE INSURANCE POLICIES; AMENDING CHAPTER 5, TITLE
17 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-507, IDAHO CODE,
18 TO PROVIDE FOR THE PRESUMPTION OF ABANDONMENT OF OTHER TAX-DEFERRED
19 ACCOUNTS; REPEALING SECTION 14-508, IDAHO CODE, RELATING TO DEPOSITS
20 HELD BY UTILITIES; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE
21 ADDITION OF A NEW SECTION 14-508, IDAHO CODE, TO PROVIDE FOR THE PRE-
22 SUMPTION OF ABANDONMENT OF A CUSTODIAL ACCOUNT FOR A MINOR; REPEALING
23 SECTION 14-509, IDAHO CODE, RELATING TO A REFUND HELD BY BUSINESS AS-
24 SOCIATIONS; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION
25 OF A NEW SECTION 14-509, IDAHO CODE, TO PROVIDE FOR THE PRESUMPTION OF
26 ABANDONMENT OF THE CONTENTS OF A SAFE DEPOSIT BOX; REPEALING SECTION
27 14-510, IDAHO CODE, RELATING TO STOCK AND OTHER INTANGIBLE INTERESTS
28 IN BUSINESS ASSOCIATIONS; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE,
29 BY THE ADDITION OF A NEW SECTION 14-510, IDAHO CODE, TO PROVIDE FOR THE
30 PRESUMPTION OF ABANDONMENT OF A STORED-VALUE CARD; REPEALING SECTION
31 14-511, IDAHO CODE, RELATING TO PROPERTY OF BUSINESS ASSOCIATIONS HELD
32 IN THE COURSE OF DISSOLUTION; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE,
33 BY THE ADDITION OF A NEW SECTION 14-511, IDAHO CODE, TO PROVIDE FOR THE
34 PRESUMPTION OF ABANDONMENT OF A GIFT CARD; REPEALING SECTION 14-512,
35 IDAHO CODE, RELATING TO PROPERTY HELD BY AGENTS AND FIDUCIARIES; AMEND-
36 ING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
37 14-512, IDAHO CODE, TO PROVIDE FOR THE PRESUMPTION OF ABANDONMENT OF A
38 SECURITY; REPEALING SECTION 14-513, IDAHO CODE, RELATING TO PROPERTY
39 HELD BY COURTS AND PUBLIC AGENCIES; AMENDING CHAPTER 5, TITLE 14, IDAHO
40 CODE, BY THE ADDITION OF A NEW SECTION 14-513, IDAHO CODE, TO PROVIDE FOR
41 THE PRESUMPTION OF ABANDONMENT OF RELATED PROPERTY; REPEALING SECTION
42 14-514, IDAHO CODE, RELATING TO GIFT CERTIFICATES AND CREDIT MEMOS;
43 AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
44 TION 14-514, IDAHO CODE, TO PROVIDE FOR THE INDICATION OF APPARENT OWNER
45

1 INTEREST IN PROPERTY; REPEALING SECTION 14-515, IDAHO CODE, RELATING TO
2 WAGES; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW
3 SECTION 14-515, IDAHO CODE, TO PROVIDE FOR THE KNOWLEDGE OF THE DEATH OF
4 AN INSURED OR ANNUITANT; REPEALING SECTION 14-516, IDAHO CODE, RELATING
5 TO THE CONTENTS OF A SAFE DEPOSIT BOX OR OTHER SAFEKEEPING REPOSITORY;
6 AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
7 TION 14-516, IDAHO CODE, TO PROVIDE FOR A DEPOSIT ACCOUNT HOLDING THE
8 PROCEEDS OF AN INSURANCE POLICY OR ANNUITY CONTRACT; AMENDING CHAPTER
9 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-517, IDAHO
10 CODE, TO PROVIDE THAT A HOLDING PERIOD SHALL BE DETERMINED BY THE TYPE OF
11 LIABILITY; REPEALING SECTION 14-518, IDAHO CODE, RELATING TO NOTICE AND
12 PUBLICATION OF LISTS OF ABANDONED PROPERTY; AMENDING SECTION 14-503,
13 IDAHO CODE, TO PROVIDE FOR THE ADDRESS OF AN APPARENT OWNER TO ESTAB-
14 LISH PRIORITY AND TO REDESIGNATE THE SECTION; REPEALING SECTION 14-519,
15 IDAHO CODE, RELATING TO THE PAYMENT OR DELIVERY OF ABANDONED PROPERTY;
16 AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
17 TION 14-519, IDAHO CODE, TO PROVIDE FOR THE ADDRESS OF AN APPARENT OWNER
18 IN THIS STATE; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION
19 OF A NEW SECTION 14-520, IDAHO CODE, TO PROVIDE FOR THE CIRCUMSTANCE
20 OF RECORDS SHOWING MULTIPLE ADDRESSES OF AN APPARENT OWNER; AMENDING
21 CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-521,
22 IDAHO CODE, TO PROVIDE FOR A HOLDER DOMICILED IN THIS STATE; AMENDING
23 CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-522,
24 IDAHO CODE, TO PROVIDE FOR CUSTODY IF A TRANSACTION TOOK PLACE IN THIS
25 STATE; AMENDING SECTION 14-504, IDAHO CODE, TO PROVIDE FOR A TRAVELER'S
26 CHECK, MONEY ORDER OR SIMILAR INSTRUMENT AND TO REDESIGNATE THE SEC-
27 TION; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW
28 SECTION 14-524, IDAHO CODE, TO PROVIDE FOR THE BURDEN OF PROOF TO ES-
29 TABLISH THE ADMINISTRATOR'S RIGHT TO CUSTODY; AMENDING SECTION 14-517,
30 IDAHO CODE, TO PROVIDE FOR A REPORT REQUIRED BY A HOLDER AND TO REDES-
31 IGNATE THE SECTION; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE
32 ADDITION OF A NEW SECTION 14-526, IDAHO CODE, TO PROVIDE FOR THE CONTENT
33 OF A REPORT; REPEALING SECTION 14-527, IDAHO CODE, RELATING TO AN ELEC-
34 TION TO TAKE PAYMENT OR DELIVERY; AMENDING CHAPTER 5, TITLE 14, IDAHO
35 CODE, BY THE ADDITION OF A NEW SECTION 14-527, IDAHO CODE, TO PROVIDE
36 DUE DATES FOR REPORTS; REPEALING SECTION 14-528, IDAHO CODE, RELATING
37 TO THE DESTRUCTION OR DISPOSITION OF PROPERTY HAVING INSUBSTANTIAL COM-
38 Mercial VALUE AND IMMUNITY FROM LIABILITY; AMENDING CHAPTER 5, TITLE
39 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-528, IDAHO CODE,
40 TO PROVIDE FOR THE RETENTION OF RECORDS BY A HOLDER; REPEALING SECTION
41 14-529, IDAHO CODE, RELATING TO PERIODS OF LIMITATION; AMENDING CHAP-
42 TER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-529,
43 IDAHO CODE, TO PROVIDE FOR PROPERTY REPORTABLE AND PAYABLE OR DELIV-
44 ERABLE ABSENT OWNER DEMAND; AMENDING SECTION 14-542, IDAHO CODE, TO
45 PROVIDE FOR REPORTING BY IDAHO COUNTIES AND CERTAIN NONPROFIT UTILITIES
46 AND TO REDESIGNATE THE SECTION; REPEALING SECTION 14-531, IDAHO CODE,
47 RELATING TO RETENTION OF RECORDS; AMENDING CHAPTER 5, TITLE 14, IDAHO
48 CODE, BY THE ADDITION OF A NEW SECTION 14-531, IDAHO CODE, TO PROVIDE
49 FOR NOTICE TO AN APPARENT OWNER BY A HOLDER; AMENDING CHAPTER 5, TITLE
50 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-532, IDAHO CODE, TO

1 PROVIDE FOR THE CONTENTS OF NOTICE BY A HOLDER; AMENDING CHAPTER 5, TI-
2 TLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-533, IDAHO CODE,
3 TO PROVIDE FOR NOTICE BY AN ADMINISTRATOR; AMENDING CHAPTER 5, TITLE
4 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-534, IDAHO CODE, TO
5 PROVIDE FOR COOPERATION AMONG STATE OFFICERS AND AGENCIES TO LOCATE AN
6 APPARENT OWNER; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDI-
7 TION OF A NEW SECTION 14-535, IDAHO CODE, TO PROVIDE FOR A DEFINITION OF
8 GOOD FAITH; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION
9 OF A NEW SECTION 14-536, IDAHO CODE, TO PROVIDE FOR A DORMANCY CHARGE;
10 AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
11 TION 14-537, IDAHO CODE, TO PROVIDE FOR PAYMENT OR DELIVERY OF PROPERTY
12 TO THE ADMINISTRATOR; AMENDING SECTION 14-520, IDAHO CODE, TO PROVIDE
13 FOR THE EFFECT OF PAYMENT OR DELIVERY OF PROPERTY TO THE ADMINISTRATOR
14 AND TO REDESIGNATE THE SECTION; AMENDING CHAPTER 5, TITLE 14, IDAHO
15 CODE, BY THE ADDITION OF A NEW SECTION 14-539, IDAHO CODE, TO PROVIDE FOR
16 THE RECOVERY OF PROPERTY BY A HOLDER FROM THE ADMINISTRATOR; REPEALING
17 SECTION 14-540, IDAHO CODE, RELATING TO THE UNIFORMITY OF APPLICATION
18 AND CONSTRUCTION; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE
19 ADDITION OF A NEW SECTION 14-540, IDAHO CODE, TO PROVIDE FOR PROPERTY
20 REMOVED FROM A SAFE DEPOSIT BOX; AMENDING SECTION 14-521, IDAHO CODE, TO
21 PROVIDE FOR THE CREDITING OF INCOME OR GAIN TO AN OWNER'S ACCOUNT AND TO
22 REDESIGNATE THE SECTION; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY
23 THE ADDITION OF A NEW SECTION 14-542, IDAHO CODE, TO PROVIDE AN ADMINIS-
24 TRATOR'S OPTIONS REGARDING CUSTODY AND TO MAKE A TECHNICAL CORRECTION;
25 REPEALING SECTION 14-543, IDAHO CODE, RELATING TO A SHORT TITLE; AMEND-
26 ING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
27 14-543, IDAHO CODE, TO PROVIDE FOR THE DISPOSITION OF PROPERTY HAVING NO
28 SUBSTANTIAL VALUE AND TO PROVIDE FOR IMMUNITY FROM LIABILITY; AMENDING
29 CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-544,
30 IDAHO CODE, TO PROVIDE FOR PERIODS OF LIMITATION AND REPOSE; AMENDING
31 SECTION 14-522, IDAHO CODE, TO PROVIDE FOR THE PUBLIC SALE OF PROPERTY
32 AND TO REDESIGNATE THE SECTION; AMENDING CHAPTER 5, TITLE 14, IDAHO
33 CODE, BY THE ADDITION OF A NEW SECTION 14-546, IDAHO CODE, TO PROVIDE FOR
34 THE DISPOSAL OF SECURITIES; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY
35 THE ADDITION OF A NEW SECTION 14-547, IDAHO CODE, TO PROVIDE FOR THE RE-
36 COVERY OF SECURITIES OR VALUE BY AN OWNER; AMENDING CHAPTER 5, TITLE 14,
37 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-548, IDAHO CODE, TO PRO-
38 VIDE THAT A PURCHASER OWNS THE PROPERTY AFTER A SALE; AMENDING CHAPTER
39 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-549, IDAHO
40 CODE, TO PROVIDE FOR THE DISPOSITION OF A MILITARY MEDAL OR DECORATION;
41 AMENDING SECTION 14-523, IDAHO CODE, TO PROVIDE FOR THE DISPOSITION OF
42 MONEY RECEIVED AND TO REDESIGNATE THE SECTION; AMENDING CHAPTER 5, TI-
43 TLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-551, IDAHO CODE,
44 TO PROVIDE FOR AN ADMINISTRATOR TO RETAIN RECORDS OF PROPERTY; AMENDING
45 CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-552,
46 IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR HOLDS PROPERTY AS CUS-
47 TODIAN FOR THE OWNER; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE
48 ADDITION OF A NEW SECTION 14-553, IDAHO CODE, TO PROVIDE FOR THE CLAIM OF
49 ANOTHER STATE TO RECOVER PROPERTY; AMENDING SECTION 14-525, IDAHO CODE,
50 TO PROVIDE FOR WHEN PROPERTY IS SUBJECT TO RECOVERY BY ANOTHER STATE

1 AND TO REDESIGNATE THE SECTION; AMENDING SECTION 14-524, IDAHO CODE, TO
2 PROVIDE FOR A CLAIM FOR PROPERTY BY A PERSON CLAIMING TO BE THE OWNER AND
3 TO REDESIGNATE THE SECTION; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY
4 THE ADDITION OF A NEW SECTION 14-556, IDAHO CODE, TO PROVIDE FOR WHEN THE
5 ADMINISTRATOR MUST HONOR A CLAIM FOR PROPERTY; AMENDING CHAPTER 5, TI-
6 TLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-557, IDAHO CODE,
7 TO PROVIDE FOR THE ALLOWANCE OF A CLAIM FOR PROPERTY; AMENDING SECTION
8 14-526, IDAHO CODE, TO PROVIDE FOR AN ACTION BY A PERSON WHOSE CLAIM IS
9 DENIED AND TO REDESIGNATE THE SECTION; AMENDING CHAPTER 5, TITLE 14,
10 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-559, IDAHO CODE, TO PRO-
11 VIDE FOR THE PAYMENT AND DELIVERY TO THE OWNER; AMENDING SECTION 14-530,
12 IDAHO CODE, TO PROVIDE FOR VERIFIED REPORTS OF PROPERTY AND TO REDESIG-
13 NATE THE SECTION; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDI-
14 TION OF A NEW SECTION 14-561, IDAHO CODE, TO PROVIDE FOR THE EXAMINATION
15 OF RECORDS TO DETERMINE COMPLIANCE; AMENDING CHAPTER 5, TITLE 14, IDAHO
16 CODE, BY THE ADDITION OF A NEW SECTION 14-562, IDAHO CODE, TO PROVIDE
17 FOR RULES FOR CONDUCTING AN EXAMINATION; AMENDING CHAPTER 5, TITLE 14,
18 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-563, IDAHO CODE, TO PRO-
19 VIDE FOR RECORDS OBTAINED IN EXAMINATION; AMENDING CHAPTER 5, TITLE 14,
20 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-564, IDAHO CODE, TO PRO-
21 VIDE FOR EVIDENCE OF UNPAID DEBT OR UNDISCHARGED OBLIGATION; AMENDING
22 CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-565,
23 IDAHO CODE, TO PROVIDE FOR THE FAILURE OF A PERSON EXAMINED TO RETAIN
24 RECORDS; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF
25 A NEW SECTION 14-566, IDAHO CODE, TO PROVIDE FOR A REPORT TO A PERSON
26 WHOSE RECORDS WERE EXAMINED; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE,
27 BY THE ADDITION OF A NEW SECTION 14-567, IDAHO CODE, TO PROVIDE FOR AN
28 INFORMAL CONFERENCE DURING AN EXAMINATION; AMENDING CHAPTER 5, TITLE
29 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-568, IDAHO CODE, TO
30 PROVIDE FOR THE ADMINISTRATOR'S CONTRACT WITH ANOTHER TO CONDUCT AN
31 EXAMINATION; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION
32 OF A NEW SECTION 14-569, IDAHO CODE, TO PROVIDE FOR THE DETERMINATION OF
33 LIABILITY FOR UNREPORTED REPORTABLE PROPERTY; AMENDING CHAPTER 5, TI-
34 TLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-570, IDAHO CODE,
35 TO PROVIDE FOR AN INFORMAL CONFERENCE; AMENDING CHAPTER 5, TITLE 14,
36 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-571, IDAHO CODE, TO PRO-
37 VIDE FOR ADMINISTRATIVE AND JUDICIAL REVIEW; AMENDING SECTION 14-532,
38 IDAHO CODE, TO PROVIDE FOR ACTIONS TO ENFORCE LIABILITY AND TO REDESIG-
39 NATE THE SECTION; AMENDING SECTION 14-535, IDAHO CODE, TO PROVIDE FOR
40 INTERSTATE AND INTERNATIONAL AGREEMENT AND COOPERATION AND TO REDES-
41 IGNATE THE SECTION; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE
42 ADDITION OF A NEW SECTION 14-574, IDAHO CODE, TO PROVIDE FOR AN ACTION
43 INVOLVING ANOTHER STATE OR FOREIGN COUNTRY; AMENDING SECTION 14-533,
44 IDAHO CODE, TO PROVIDE FOR INTEREST AND A PENALTY FOR FAILURE TO ACT IN A
45 TIMELY MANNER AND TO REDESIGNATE THE SECTION; AMENDING CHAPTER 5, TITLE
46 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-576, IDAHO CODE, TO
47 PROVIDE FOR OTHER CIVIL PENALTIES; AMENDING CHAPTER 5, TITLE 14, IDAHO
48 CODE, BY THE ADDITION OF A NEW SECTION 14-577, IDAHO CODE, TO PROVIDE
49 FOR THE WAIVER OF INTEREST AND PENALTY; AMENDING SECTION 14-536, IDAHO
50 CODE, TO PROVIDE FOR WHEN AN AGREEMENT TO LOCATE PROPERTY IS ENFORCEABLE

1 AND TO REDESIGNATE THE SECTION; AMENDING CHAPTER 5, TITLE 14, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 14-579, IDAHO CODE, TO PROVIDE FOR
3 WHEN AN AGREEMENT TO LOCATE PROPERTY IS VOID; AMENDING CHAPTER 5, TITLE
4 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-580, IDAHO CODE, TO
5 PROVIDE FOR THE RIGHT OF AN AGENT OF AN APPARENT OWNER TO INFORMATION
6 CONCERNING PROPERTY HELD BY THE ADMINISTRATOR; AMENDING CHAPTER 5, TI-
7 TLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-581, IDAHO CODE,
8 TO PROVIDE DEFINITIONS AND APPLICABILITY; AMENDING CHAPTER 5, TITLE 14,
9 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-582, IDAHO CODE, TO PRO-
10 VIDE FOR CONFIDENTIAL INFORMATION; AMENDING CHAPTER 5, TITLE 14, IDAHO
11 CODE, BY THE ADDITION OF A NEW SECTION 14-583, IDAHO CODE, TO PROVIDE
12 FOR WHEN CONFIDENTIAL INFORMATION MAY BE DISCLOSED; AMENDING CHAPTER
13 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-584, IDAHO
14 CODE, TO PROVIDE FOR A CONFIDENTIALITY AGREEMENT; AMENDING CHAPTER 5,
15 TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-585, IDAHO
16 CODE, TO PROVIDE FOR NO CONFIDENTIAL INFORMATION IN A NOTICE; AMENDING
17 CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-586,
18 IDAHO CODE, TO PROVIDE FOR THE SECURITY OF INFORMATION; AMENDING CHAP-
19 TER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-587,
20 IDAHO CODE, TO PROVIDE FOR A SECURITY BREACH; AMENDING SECTION 14-534,
21 IDAHO CODE, REGARDING STATE HISTORICAL SOCIETY USE OF PROPERTY AND TO
22 REDESIGNATE THE SECTION; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY
23 THE ADDITION OF A NEW SECTION 14-589, IDAHO CODE, TO MAKE A TRANSITIONAL
24 PROVISION; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF
25 A NEW SECTION 14-590, IDAHO CODE, TO PROVIDE FOR SEVERABILITY; AMENDING
26 SECTION 14-113, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO
27 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 15-3-914, IDAHO CODE, TO
28 PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 41-3002, IDAHO CODE,
29 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 57-1109, IDAHO
30 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 66-503,
31 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

32 Be It Enacted by the Legislature of the State of Idaho:

33 SECTION 1. That Section 14-541, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 14-5401. SHORT TITLE. This chapter shall be known and may be cited as
36 the "Uniform Idaho Unclaimed Property Act."

37 SECTION 2. That Section 14-501, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 14-5012. ~~DEFINITIONS AND USE OF TERMS.~~ As used in this chapter:

40 (1) "Administrator" means the state treasurer or his or her duly autho-
41 rized agents or employees.

42 (2) "Administrator's agent" means a person with which the adminis-
43 trator contracts to conduct an examination under sections 14-560 through
44 14-569, Idaho Code, on behalf of the administrator. The term includes an
45 independent contractor of the person and each individual participating in
46 the examination on behalf of the person or contractor.

1 (3) "Apparent owner" means the a person whose name appears on the
 2 records of the a holder as the ~~person entitled to~~ owner of property held,
 3 issued, or owing by the holder.

4 ~~(3) "Attorney general" means the chief legal officer of this state.~~

5 (4) "Banking organization" means a bank, trust company, savings bank,
 6 industrial bank, land bank, safe deposit company, private banker, or any or-
 7 ganization defined by other law as a bank or banking organization.

8 ~~(5) "Business association" means a nonpublic corporation, limited~~
 9 liability company, joint stock company, investment company other than an
 10 investment company registered under the investment company act of 1940,
 11 as amended, 15 U.S.C. 80a-1 through 80a-64, partnership, unincorporated
 12 association, joint venture, limited liability company, business trust,
 13 partnership, or association for business purposes of two (2) or more indi-
 14 viduals, whether or not for profit, including, but not limited to, a banking
 15 organization, trust company, land bank, safe deposit company, safekeep-
 16 ing depository, financial organization, insurance company, ~~or~~ federally
 17 chartered entity, utility, sole proprietorship or other business entity,
 18 whether or not for profit.

19 (5) "Confidential information" means records, reports and information
 20 that are confidential under section 14-582, Idaho Code.

21 (6) "Domicile" means:

22 (a) For a corporation, the state of its incorporation ~~of a corporation~~
 23 and the state of the;

24 (b) For a business association, other than a corporation, whose forma-
 25 tion requires a filing with a state, the state of its filing;

26 (c) For a federally chartered entity or an investment company regis-
 27 tered under the investment company act of 1940, as amended, 15 U.S.C.
 28 80a-1 through 80a-64, the state of its home office; and

29 (d) For any other holder, the state of its principal place of business
 30 of an unincorporated person.

31 (7) "Electronic" means relating to technology having electrical, digi-
 32 tal, magnetic, wireless, optical, electromagnetic or similar capabilities.

33 (8) "Electronic mail" means a communication by electronic means that is
 34 automatically retained and stored and may be readily accessed or retrieved.

35 (9) "Financial organization" means a savings and loan association,
 36 cooperative bank, building and loan association, investment company,
 37 savings bank, industrial bank, banking organization or credit union.

38 (10) "Game-related digital content" means digital content that exists
 39 only in an electronic game or electronic game platform. Game-related digi-
 40 tal content:

41 (a) Includes:

42 (i) Game-play currency such as a virtual wallet, even if denomi-
 43 nated in United States currency; and

44 (ii) The following, if for use or redemption only within the game
 45 or platform or another electronic game or electronic game plat-
 46 form:

47 1. Points that may be referred to as gems, tokens, gold and
 48 similar names; and

49 2. Digital codes; and

50 (b) Does not include an item that the issuer:

1 (i) Permits to be redeemed for use outside a game or platform for:

2 1. Money; or

3 2. Goods or services that have more than a minimal value; or

4 (ii) Otherwise monetizes for use outside a game or platform; and

5 (c) Does not include a stored-value card.

6 (11) "Gift card":

7 (a) Means a stored-value card:

8 (i) The value of which does not expire;

9 (ii) May be decreased in value only by redemption for merchandise,
 10 goods or services; and

11 (iii) Unless required by law, may not be redeemed for or converted
 12 into money or otherwise monetized by the issuer; and

13 (b) Includes a prepaid commercial mobile radio service, as defined in
 14 47 CFR 20.3, as amended.

15 ~~(812) "Holder" means a person, wherever organized or domiciled, who is:~~

16 ~~(a) In possession of property belonging to another;~~

17 ~~(b) A trustee; or~~

18 ~~(c) Indebted to another on an obligation~~

19 obliged to hold for the account of the owner, or to deliver or pay to the
 20 owner, property subject to this chapter.

21 ~~(913) "Insurance company" means an association, corporation, or fra-~~
 22 ~~tternal or mutual benefit organization, whether or not for profit, which is~~
 23 ~~engaged in the business of providing life endowments, annuities or insurance~~
 24 ~~coverage, including accident, burial, casualty, credit-life, contract-per-~~
 25 ~~formance, dental, disability, fidelity, fire, health, hospitalization,~~
 26 ~~illness, life, including endowments and annuities, malpractice, marine,~~
 27 ~~mortgage, surety, and wage protection and worker's compensation insurance.~~

28 ~~(10) "Intangible property" includes:~~

29 ~~(a) Moneys, checks, drafts, deposits, interest, dividends, and in-~~
 30 ~~come;~~

31 ~~(b) Credit balances, customer overpayments, gift certificates, se-~~
 32 ~~curity deposits, refunds, credit memos, unpaid wages, unused airline~~
 33 ~~tickets, and unidentified remittances;~~

34 ~~(c) Stocks and other intangible ownership interests in business asso-~~
 35 ~~ciations;~~

36 ~~(d) Amounts paid for tickets, passes or vouchers to gain entrance to a~~
 37 ~~scheduled event where the scheduled event was canceled and not resched-~~
 38 ~~uled, and the owner of the tickets, passes or vouchers is entitled to a~~
 39 ~~refund in cash, services or merchandise;~~

40 ~~(e) Moneys deposited to redeem stocks, bonds, coupons, and other secu-~~
 41 ~~rities, or to make distributions;~~

42 ~~(f) Amounts due and payable under the terms of insurance policies;~~

43 ~~(g) Amounts distributable from a trust or custodial fund established~~
 44 ~~under a plan to provide health, welfare, pension, vacation, severance,~~
 45 ~~retirement, death, stock purchase, profit sharing, employee savings,~~
 46 ~~supplemental unemployment insurance, or similar benefits; and~~

47 ~~(h) Any interest created by a judgment entered in any court of competent~~
 48 ~~jurisdiction in favor of persons who are members of a class of persons~~
 49 ~~defined by the court entering the judgment.~~

1 ~~(11) "Last known address" means a description of the location of the ap-~~
 2 ~~parent owner sufficient for the purpose of the delivery of mail.~~

3 (14) "Loyalty card" means a record given without direct monetary con-
 4 sideration under an award, reward, benefit, loyalty, incentive, rebate or
 5 promotional program that may be used or redeemed only to obtain goods or
 6 services, or a discount on goods and services. The term does not include a
 7 record that may be redeemed for money or otherwise monetized by the issuer.

8 (15) "Mineral" means gas, oil, coal, oil shale, other gaseous liquid
 9 or solid hydrocarbon, cement material, sand, gravel, road material, build-
 10 ing stone, chemical raw material, gemstone, fissionable and nonfissionable
 11 ores, colloidal and other clay, steam and other geothermal resources and any
 12 other substance defined as a mineral by law of this state other than this
 13 chapter.

14 (16) "Mineral proceeds" means an amount payable for extraction, produc-
 15 tion or sale of minerals or, on the abandonment of the amount, an amount that
 16 becomes payable after abandonment. The term includes an amount payable:

17 (a) For the acquisition and retention of a mineral lease, including a
 18 bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty
 19 and delay rental;

20 (b) For the extraction, production or sale of minerals, including a net
 21 revenue interest, royalty, overriding royalty, extraction payment and
 22 production payment; and

23 (c) Under an agreement or option, including a joint operating agree-
 24 ment, unit agreement, pooling agreement and farm-out agreement.

25 (17) "Money order" means a payment order for a specified amount of
 26 money. The term includes an express money order and a personal money order
 27 on which the remitter is the purchaser.

28 (18) "Municipal bond" means a bond or evidence of indebtedness issued by
 29 a municipality or other political subdivision of a state.

30 (19) "Net card value" means the original purchase price or original is-
 31 ssued value of a stored-value card, plus amounts added to the original price
 32 or value, minus amounts used and any service charge, fee or dormancy charge
 33 permitted by law.

34 (20) "Non-freely transferable security" means a security that cannot be
 35 delivered to the administrator by the depository trust clearing corporation
 36 or similar custodian of securities providing post-trade clearing and set-
 37 tlement services to financial markets or cannot be delivered because there
 38 is no agent to effect transfer. The term includes a worthless security.

39 (21) "Owner" means a person that has a legal, beneficial or equitable
 40 interest in property subject to this chapter or the person's legal represen-
 41 tative when acting on behalf of the owner in accordance with this chapter.
 42 The term includes:

43 (a) A depositor in the case of for a deposit;

44 (b) a beneficiary in case of for a trust other than a deposit in trust;

45 (c) a creditor, claimant, or payee in the case of for other intangible
 46 property, or a person having a legal or equitable interest in property
 47 subject to this act or his legal representative; and

48 (d) The lawful bearer of a record that may be used to obtain money, a
 49 reward or a thing of value.

1 (22) "Payroll card" means a record that evidences an account that is di-
 2 rectly or indirectly established through an employer and to which electronic
 3 fund transfers of the consumer's wages, salary or other employee compensa-
 4 tion, such as commissions, are made on a single or recurring basis, whether
 5 the account is operated or managed by the employer, a third-party payroll
 6 processor, a depository institution or any other person.

7 (~~23~~) "Person" means an individual, estate, business association,
 8 state or other public corporation, government, or governmental subdivision
 9 or, agency, public corporation, public authority, estate, trust, two (2) or
 10 more persons having a joint or common interest, or instrumentality or any
 11 other legal or commercial entity.

12 (24) "Property" means tangible property described in section 14-509,
 13 Idaho Code, or a fixed and certain interest in intangible property held, is-
 14 sued or owned in the course of a holder's business or by a government, govern-
 15 mental subdivision, agency or instrumentality. The term:

16 (a) Includes all income from or increments to the property;

17 (b) Includes property referred to as or evidenced by:

18 (i) Money, virtual currency, interest or a dividend, check,
 19 draft, deposit or payroll card;

20 (ii) A credit balance, customer's overpayment, stored-value
 21 card, security deposit, refund, credit memorandum, unpaid wage,
 22 unused ticket for which the issuer has an obligation to provide a
 23 refund, mineral proceeds or unidentified remittance;

24 (iii) A security, except for:

25 1. A worthless security; or

26 2. A security subject to a lien, legal hold or restriction
 27 evidenced on the records of the holder or imposed by opera-
 28 tion of law, if the lien, legal hold or restriction restricts
 29 the holder's or owner's ability to receive, transfer, sell
 30 or otherwise negotiate the security;

31 (iv) A bond, debenture, note or other evidence of indebtedness;

32 (v) Money deposited to redeem a security, make a distribution or
 33 pay a dividend;

34 (vi) An amount due and payable under an annuity contract or insur-
 35 ance policy; and

36 (vii) An amount distributable from a trust or custodial fund es-
 37 tablished under a plan to provide health, welfare, pension, vaca-
 38 tion, severance, retirement, death, stock purchase, profit-shar-
 39 ing, employee savings, supplemental unemployment insurance or a
 40 similar benefit; and

41 (c) Does not include:

42 (i) Property or funds held in a plan described in 26 U.S.C. 529A;

43 (ii) Game-related digital content;

44 (iii) A loyalty card; or

45 (iv) An in-store credit for returned merchandise.

46 (25) "Putative holder" means a person believed by the administrator to
 47 be a holder, until the person pays or delivers to the administrator property
 48 subject to this chapter, or the administrator or a court makes a final deter-
 49 mination that the person is or is not a holder.

1 (26) "Record" means information inscribed on a tangible medium or
 2 stored in an electronic or other medium and that is retrievable in perceiv-
 3 able form.

4 (27) "Security" means:

5 (a) A security as defined in section 28-8-102(1) (o), Idaho Code;

6 (b) A security entitlement as defined in section 28-8-102(1) (q), Idaho
 7 Code, including a customer security account held by a registered bro-
 8 ker-dealer to the extent the financial assets held in the security ac-
 9 count are not:

10 (i) Registered on the books of the issuer in the name of the person
 11 for which the broker-dealer holds the assets;

12 (ii) Payable to the order of the person; or

13 (iii) Specifically endorsed to the person; or

14 (c) An equity interest in a business association not included in para-
 15 graph (a) or (b) of this subsection.

16 (28) "Sign" means with present intent to authenticate or adopt a record:

17 (a) To execute or adopt a tangible symbol; or

18 (b) To attach to or logically associate with the record an electronic
 19 symbol, sound or process.

20 (1429) "State" means any a state, district, commonwealth, territory,
 21 insular possession, or any other area subject to the legislative authority
 22 of the United States, the District of Columbia, the commonwealth of Puerto
 23 Rico, the United States Virgin Islands or any territory or insular posses-
 24 sion subject to the jurisdiction of the United States.

25 (30) "Stored-value card" means a record evidencing a promise made for
 26 consideration by the seller or issuer of the record that goods, services or
 27 money will be provided to the owner of the record to the value or amount shown
 28 in the record. The term:

29 (a) Includes:

30 (i) A record that contains or consists of a microprocessor chip,
 31 magnetic strip or other means for the storage of information, that
 32 is prefunded, and whose value or amount is decreased on each use
 33 and increased by payment of additional consideration;

34 (ii) A gift card; and

35 (iii) A virtual wallet in which a person deposits or transfers
 36 money for the purchase of goods, services or game-related digital
 37 content; and

38 (b) Does not include a loyalty card or game-related digital content.

39 (1531) "Utility" means a person ~~who~~ that owns or operates for public
 40 use any a plant, equipment, real property, franchise, or license for the
 41 following public services:

42 (a) ~~t~~Transmission of communications ~~or the~~ information;

43 (b) ~~p~~Production, storage, transmission, sale, delivery, or furnishing
 44 of electricity, water, steam, or gas; or

45 (c) Provision of sewage or septic services, or trash, garbage or recy-
 46 cling disposal.

47 (32) "Virtual currency" means a digital representation of value used as
 48 a medium of exchange, a unit of account or a store of value that does not have
 49 legal tender status recognized by the United States. The term does not in-
 50 clude:

1 (a) The software or protocols governing the transfer of the digital
 2 representation of value;

3 (b) Game-related digital content; or

4 (c) A loyalty card.

5 (33) "Worthless security" means a security whose cost of liquidation
 6 and delivery to the administrator would exceed the value of the security on
 7 the date a report is due under this chapter.

8 SECTION 3. That Section 14-537, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 14-53703. INAPPLICABILITY TO FOREIGN TRANSACTIONS. This chapter does
 11 not apply to any property held, due and owing in a foreign country ~~and arising~~
 12 if the transaction out of which the property arose was a foreign transaction.

13 SECTION 4. That Section 14-539, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 14-53904. RULES RULEMAKING. The administrator may adopt necessary
 16 rules, pursuant to chapter 52, title 67, Idaho Code, to ~~carry out the provi-~~
 17 sions of implement and administer this chapter.

18 SECTION 5. That Section 14-505, Idaho Code, be, and the same is hereby
 19 repealed.

20 SECTION 6. That Section 14-502, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 14-5025. WHEN PROPERTY PRESUMED ABANDONED -- GENERAL RULE. ~~(1) Except~~
 23 ~~as otherwise provided by this chapter, all intangible property, including~~
 24 ~~any income or increment derived therefrom, less any lawful charges, that is~~
 25 ~~held, issued, or owing in the ordinary course of a holder's business and has~~
 26 ~~remained unclaimed by the owner for more than five (5) years after it became~~
 27 ~~payable or distributable Subject to section 14-514, Idaho Code, the follow-~~
 28 ~~ing property is presumed abandoned. if it is unclaimed by the apparent owner~~
 29 during the period specified in this section:

30 ~~(2) Notwithstanding subsection (1) of this section, the following~~
 31 ~~items shall not constitute abandoned property for the purposes of this act:~~

32 ~~(a) Amounts withheld by a business association as a penalty or forfei-~~
 33 ~~ture or as damages in the event a person who has reserved the services of~~
 34 ~~the business association fails to make use of and pay for the service;~~

35 ~~(b) Gift certificates with an expiration date prominently displayed on~~
 36 ~~their face;~~

37 ~~(c) Nonrefundable airline tickets;~~

38 ~~(d) Any certificate, pass, voucher or other evidence of a right or privi-~~
 39 ~~ilege which is nonrefundable or which is nonredeemable due to the pas-~~
 40 ~~sage of time;~~

41 ~~(e) Any intangible property as defined in section 14-501, Idaho Code,~~
 42 ~~with a value of fifty dollars (\$50.00) or less.~~

1 ~~(3) Property is payable or distributable for the purpose of this chap-~~
2 ~~ter notwithstanding the owner's failure to make demand or to present any in-~~
3 ~~strument or document required to receive payment~~

4 (1) A traveler's check, fifteen (15) years after issuance;

5 (2) A money order, seven (7) years after issuance;

6 (3) A state or municipal bond, bearer bond, or original-issue discount
7 bond, three (3) years after the earliest of the date the bond matures or is
8 called or the obligation to pay the principal of the bond arises;

9 (4) A debt of a business association, three (3) years after the obliga-
10 tion to pay arises;

11 (5) A savings or time deposit, including a deposit that is automati-
12 cally renewable, three (3) years after the maturity of the deposit, except
13 a deposit that is automatically renewable is deemed matured on its initial
14 date of maturity unless the apparent owner consented in a record on file with
15 the holder to renewal at or about the time of the renewal;

16 (6) Money or a credit owed to a customer as a result of a retail business
17 transaction, other than in-store credit for returned merchandise, three (3)
18 years after the obligation arose;

19 (7) An amount owed by an insurance company on a life or endowment insur-
20 ance policy or an annuity contract that has matured or terminated, three (3)
21 years after the obligation to pay arose under the terms of the policy or con-
22 tract or, if a policy or contract for which an amount is owed on proof of death
23 has not matured by proof of the death of the insured or annuitant, as follows:

24 (a) With respect to an amount owed on a life or endowment insurance pol-
25 icy, three (3) years after the earlier of the date:

26 (i) The insurance company has knowledge of the death of the in-
27 sured; or

28 (ii) The insured has attained, or would have attained if living,
29 the limiting age under the mortality table on which the reserve for
30 the policy is based; and

31 (b) With respect to an amount owed on an annuity contract, three (3)
32 years after the date the insurance company has knowledge of the death of
33 the annuitant;

34 (8) Property distributable by a business association in the course of
35 dissolution, one (1) year after the property becomes distributable;

36 (9) Property held by a court, including property received as proceeds
37 of a class action, one (1) year after the property becomes distributable;

38 (10) Property held by a government or governmental subdivision, agency,
39 or instrumentality, including municipal bond interest and unredeemed prin-
40 cipal under the administration of a paying agent or indenture trustee, one
41 (1) year after the property becomes distributable;

42 (11) Wages, commissions, bonuses, or reimbursements to which an em-
43 ployee is entitled, or other compensation for personal services, including
44 amounts held in a payroll card, one (1) year after the amount becomes
45 payable;

46 (12) A deposit or refund owed to a subscriber by a utility, one (1) year
47 after the deposit or refund becomes payable; and

48 (13) Property not specified in this section or sections 14-506 through
49 14-512, Idaho Code, the earlier of three (3) years after the owner first has a

1 right to demand the property or the obligation to pay or distribute the prop-
2 erty arises.

3 SECTION 7. That Section [14-506](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 8. That Chapter 5, Title 14, Idaho Code, be, and the same is
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
7 ignated as Section 14-506, Idaho Code, and to read as follows:

8 14-506. WHEN TAX-DEFERRED RETIREMENT ACCOUNT PRESUMED ABANDONED.
9 (1) Subject to section 14-514, Idaho Code, property held in a pension ac-
10 count or retirement account that qualifies for tax deferral under the income
11 tax laws of the United States is presumed abandoned if it is unclaimed by the
12 apparent owner three (3) years after the later of:

13 (a) The following dates:

14 (i) Except as provided in subparagraph (ii) of this paragraph, the
15 date that a second consecutive communication sent by the holder by
16 first class United States mail to the apparent owner is returned to
17 the holder undelivered by the United States postal service; or

18 (ii) If the second communication is sent later than thirty (30)
19 days after the date the first communication is returned undeliv-
20 ered, the date the first communication was returned undelivered by
21 the United States postal service; or

22 (b) The earlier of the following dates:

23 (i) The date the apparent owner becomes seventy (70) years and six
24 (6) months of age, if determinable by the holder; or

25 (ii) If the Internal Revenue Code, 26 U.S.C. 1 et seq., requires
26 distribution to avoid a tax penalty, two (2) years after the date
27 the holder:

28 1. Receives confirmation of the death of the apparent owner
29 in the ordinary course of its business; or

30 2. Confirms the death of the apparent owner under subsection
31 (2) of this section.

32 (2) If a holder in the ordinary course of business receives notice or
33 an indication of the death of an apparent owner and subsection (1) (b) of this
34 section applies, the holder shall attempt no later than ninety (90) days af-
35 ter receipt of the notice or indication to confirm whether the apparent owner
36 is deceased.

37 (3) If the holder does not send communications to the apparent owner of
38 an account described in subsection (1) of this section by first class United
39 States mail, the holder shall attempt to confirm the apparent owner's inter-
40 est in the property by sending the apparent owner an electronic mail commu-
41 nication not later than two (2) years after the apparent owner's last indica-
42 tion of interest in the property. However, the holder promptly shall attempt
43 to contact the apparent owner by first class United States mail if:

44 (a) The holder does not have the information needed to send the apparent
45 owner an electronic mail communication or the holder believes that the
46 apparent owner's electronic mail address in the holder's records is not
47 valid;

1 (b) The holder receives notification that the electronic mail communi-
2 cation was not received; or

3 (c) The apparent owner does not respond to the electronic mail communi-
4 cation within thirty (30) days after the communication was sent.

5 (4) If first class United States mail sent under subsection (3) of this
6 section is returned to the holder undelivered by the United States postal
7 service, the property is presumed abandoned three (3) years after the later
8 of:

9 (a) Except as provided in paragraph (b) of this subsection, the date a
10 second consecutive communication to contact the apparent owner sent by
11 first class United States mail is returned to the holder undelivered;

12 (b) If the second communication is sent later than thirty (30) days af-
13 ter the date the first communication is returned undelivered, the date
14 the first communication was returned undelivered; or

15 (c) The date established by subsection (1) (b) of this section.

16 SECTION 9. That Section [14-507](#), Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 10. That Chapter 5, Title 14, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 14-507, Idaho Code, and to read as follows:

21 14-507. WHEN OTHER TAX-DEFERRED ACCOUNT PRESUMED ABANDONED. (1) Sub-
22 ject to section 14-514, Idaho Code, property held in an account or plan, in-
23 cluding a health savings account, that qualifies for tax deferral under the
24 income tax laws of the United States is presumed abandoned if it is unclaimed
25 by the apparent owner three (3) years after the earlier of:

26 (a) The date, if determinable by the holder, specified in the income tax
27 laws and regulations of the United States by which distribution of the
28 property must begin to avoid a tax penalty, with no distribution having
29 been made; or

30 (b) Thirty (30) years after the date the account was opened.

31 (2) This section does not apply to:

32 (a) Property described in section 14-506, Idaho Code;

33 (b) Unclaimed accounts in the Idaho college savings program subject to
34 section 33-5410, Idaho Code; and

35 (c) Property or funds held in a plan described in 26 U.S.C. 529A.

36 SECTION 11. That Section [14-508](#), Idaho Code, be, and the same is hereby
37 repealed.

38 SECTION 12. That Chapter 5, Title 14, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 14-508, Idaho Code, and to read as follows:

41 14-508. WHEN CUSTODIAL ACCOUNT FOR MINOR PRESUMED ABANDONED. (1) Sub-
42 ject to section 14-514, Idaho Code, property held in an account established
43 under a state's uniform gifts to minors act or uniform transfers to minors
44 act is presumed abandoned if it is unclaimed by or on behalf of the minor on
45 whose behalf the account was opened three (3) years after the later of:

1 (a) Except as provided in paragraph (b) of this subsection, the date
2 a second consecutive communication sent by the holder by first class
3 United States mail to the custodian of the minor on whose behalf the
4 account was opened is returned undelivered to the holder by the United
5 States postal service;

6 (b) If the second communication is sent later than thirty (30) days af-
7 ter the date the first communication is returned undelivered, the date
8 the first communication was returned undelivered; or

9 (c) The date on which the custodian is required to transfer the property
10 to the minor or the minor's estate, in accordance with the uniform gifts
11 to minors act or uniform transfers to minors act of the state in which
12 the account was opened.

13 (2) If the holder does not send communications to the custodian of the
14 minor on whose behalf an account described in subsection (1) of this sec-
15 tion was opened by first class United States mail, the holder shall attempt
16 to confirm the custodian's interest in the property by sending the custodian
17 an electronic mail communication no later than two (2) years after the cus-
18 todian's last indication of interest in the property. However, the holder
19 promptly shall attempt to contact the custodian by first class United States
20 mail if:

21 (a) The holder does not have information needed to send the custodian
22 an electronic mail communication or the holder believes that the custo-
23 dian's electronic mail address in the holder's records is not valid;

24 (b) The holder receives notification that the electronic mail communi-
25 cation was not received; or

26 (c) The custodian does not respond to the electronic mail communication
27 within thirty (30) days after the communication was sent.

28 (3) If first class United States mail sent under subsection (2) of this
29 section is returned undelivered to the holder by the United States postal
30 service, the property is presumed abandoned three (3) years after the later
31 of:

32 (a) The date a second consecutive communication to contact the custo-
33 dian by first class United States mail is returned to the holder unde-
34 livered by the United States postal service; or

35 (b) The date established by subsection (1) (c) of this section.

36 (4) When the property in the account described in subsection (1) of this
37 section is transferred to the minor on whose behalf an account was opened or
38 to the minor's estate, the property in the account is no longer subject to
39 this section.

40 SECTION 13. That Section [14-509](#), Idaho Code, be, and the same is hereby
41 repealed.

42 SECTION 14. That Chapter 5, Title 14, Idaho Code, be, and the same is
43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
44 ignated as Section 14-509, Idaho Code, and to read as follows:

45 14-509. WHEN CONTENTS OF SAFE DEPOSIT BOX PRESUMED ABANDONED. Tangi-
46 ble property held in a safe deposit box and proceeds from a sale of the prop-
47 erty by the holder permitted by law of this state other than this chapter are

1 presumed abandoned if the property remains unclaimed by the apparent owner
2 five (5) years after the earlier of the:

- 3 (1) Expiration of the lease or rental period for the box; or
4 (2) Earliest date when the lessor of the box is authorized by law of this
5 state other than this chapter to enter the box and remove or dispose of the
6 contents without the consent or authorization of the lessee.

7 SECTION 15. That Section [14-510](#), Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 16. That Chapter 5, Title 14, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 14-510, Idaho Code, and to read as follows:

12 14-510. WHEN STORED-VALUE CARD PRESUMED ABANDONED. (1) Subject to
13 section 14-514, Idaho Code, the net card value of a stored-value card, other
14 than a payroll card or a gift card, is presumed abandoned on the latest of
15 three (3) years after:

- 16 (a) December 31 of the year in which the card is issued or additional
17 funds are deposited into it;
18 (b) The most recent indication of interest in the card by the apparent
19 owner; or
20 (c) A verification or review of the balance by or on behalf of the appar-
21 ent owner.

22 (2) The amount presumed abandoned in a stored-value card is the net card
23 value at the time it is presumed abandoned.

24 SECTION 17. That Section [14-511](#), Idaho Code, be, and the same is hereby
25 repealed.

26 SECTION 18. That Chapter 5, Title 14, Idaho Code, be, and the same is
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
28 ignated as Section 14-511, Idaho Code, and to read as follows:

29 14-511. WHEN GIFT CARD PRESUMED ABANDONED. Subject to section 14-514,
30 Idaho Code, a gift card is presumed abandoned if it is unclaimed by the appar-
31 ent owner five (5) years after the later of the date of purchase or its most
32 recent use.

33 SECTION 19. That Section [14-512](#), Idaho Code, be, and the same is hereby
34 repealed.

35 SECTION 20. That Chapter 5, Title 14, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 14-512, Idaho Code, and to read as follows:

38 14-512. WHEN SECURITY PRESUMED ABANDONED. (1) Subject to section
39 14-514, Idaho Code, a security is presumed abandoned three (3) years after:

- 40 (a) The date a second consecutive communication sent by the holder by
41 first class United States mail to the apparent owner is returned to the
42 holder undelivered by the United States postal service; or

1 (b) If the second communication is made later than thirty (30) days af-
 2 ter the first communication is returned, the date the first communica-
 3 tion is returned undelivered to the holder by the United States postal
 4 service.

5 (2) If the holder does not send communications to the apparent owner
 6 of a security by first class United States mail, the holder shall attempt to
 7 confirm the apparent owner's interest in the security by sending the appar-
 8 ent owner an electronic mail communication no later than two (2) years after
 9 the apparent owner's last indication of interest in the security. However,
 10 the holder promptly shall attempt to contact the apparent owner by first
 11 class United States mail if:

12 (a) The holder does not have information needed to send the apparent
 13 owner an electronic mail communication or the holder believes that the
 14 apparent owner's electronic mail address in the holder's records is not
 15 valid;

16 (b) The holder receives notification that the electronic mail communi-
 17 cation was not received; or

18 (c) The apparent owner does not respond to the electronic mail communi-
 19 cation no later than thirty (30) days after the communication was sent.

20 (3) If first class United States mail sent under subsection (2) of this
 21 section is returned to the holder undelivered by the United States postal
 22 service, the security is presumed abandoned three (3) years after the date
 23 the mail is returned.

24 SECTION 21. That Section [14-513](#), Idaho Code, be, and the same is hereby
 25 repealed.

26 SECTION 22. That Chapter 5, Title 14, Idaho Code, be, and the same is
 27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 28 ignated as Section 14-513, Idaho Code, and to read as follows:

29 14-513. WHEN RELATED PROPERTY PRESUMED ABANDONED. At and after the
 30 time property is presumed abandoned under this chapter, any other property
 31 right or interest accrued or accruing from the property and not previously
 32 presumed abandoned is also presumed abandoned.

33 SECTION 23. That Section [14-514](#), Idaho Code, be, and the same is hereby
 34 repealed.

35 SECTION 24. That Chapter 5, Title 14, Idaho Code, be, and the same is
 36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 37 ignated as Section 14-514, Idaho Code, and to read as follows:

38 14-514. INDICATION OF APPARENT OWNER INTEREST IN PROPERTY. (1) The
 39 period after which property is presumed abandoned is measured from the later
 40 of:

41 (a) The date the property is presumed abandoned under sections 14-505
 42 through 14-517, Idaho Code; or

43 (b) The latest indication of interest by the apparent owner in the prop-
 44 erty.

1 (2) Under this chapter, an indication of an apparent owner's interest
2 in property includes:

3 (a) A record communicated by the apparent owner to the holder or agent
4 of the holder concerning the property or the account in which the prop-
5 erty is held;

6 (b) An oral communication by the apparent owner to the holder or agent
7 of the holder concerning the property or the account in which the prop-
8 erty is held, if the holder or its agent contemporaneously makes and
9 preserves a record of the fact of the apparent owner's communication;

10 (c) Presentment of a check or other instrument of payment of a dividend,
11 interest payment or other distribution, or evidence of receipt of a dis-
12 tribution made by electronic or similar means, with respect to an ac-
13 count, underlying security or interest in a business association.

14 (d) Activity directed by an apparent owner in the account in which the
15 property is held, including accessing the account or information con-
16 cerning the account, or a direction by the apparent owner to increase,
17 decrease or otherwise change the amount or type of property held in the
18 account;

19 (e) A deposit into or withdrawal from an account at a financial organ-
20 ization, including an automatic deposit or withdrawal previously au-
21 thorized by the apparent owner, other than an automatic reinvestment of
22 dividends or interest;

23 (f) Subject to subsection (5) of this section, payment of a premium on
24 an insurance policy; and

25 (g) Any other action by the apparent owner that reasonably demonstrates
26 to the holder that the apparent owner knows that the property exists.

27 (3) An action by an agent or other representative of an apparent owner,
28 other than the holder acting as the apparent owner's agent, is presumed to be
29 an action on behalf of the apparent owner.

30 (4) A communication with an apparent owner by a person other than the
31 holder or the holder's representative is not an indication of interest in
32 the property by the apparent owner unless a record of the communication ev-
33 idences the apparent owner's knowledge of a right to the property.

34 (5) If the insured dies or the insured or beneficiary of an insurance
35 policy otherwise becomes entitled to the proceeds before depletion of the
36 cash surrender value of the policy by operation of an automatic premium loan
37 provision or other nonforfeiture provision contained in the policy, the op-
38 eration does not prevent the policy from maturing or terminating.

39 SECTION 25. That Section [14-515](#), Idaho Code, be, and the same is hereby
40 repealed.

41 SECTION 26. That Chapter 5, Title 14, Idaho Code, be, and the same is
42 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
43 ignated as Section 14-515, Idaho Code, and to read as follows:

44 14-515. KNOWLEDGE OF DEATH OF INSURED OR ANNUITANT. (1) In this
45 section, "death master file" means the United States social security admin-
46 istration death master file or other database or service that is at least
47 as comprehensive as the United States social security administration death
48 master file for determining that an individual reportedly has died.

1 (2) With respect to a life or endowment insurance policy or annuity
2 contract for which an amount is owed on proof of death, but which has not ma-
3 tured by proof of death of the insured or annuitant, the company has knowl-
4 edge of the death of an insured or annuitant when:

5 (a) The company receives a death certificate or court order determining
6 that the insured or annuitant has died;

7 (b) Due diligence, performed as required under section 41-3002, Idaho
8 Code, to maintain contact with the insured or annuitant or to determine
9 whether the insured or annuitant has died, validates the death of the
10 insured or annuitant;

11 (c) The company conducts a comparison for any purpose between a death
12 master file and the names of some or all of the company's insureds or an-
13 nuitants, finds a match that provides notice that the insured or annui-
14 tant has died, and validates the death;

15 (d) The administrator or the administrator's agent conducts a compar-
16 ison for the purpose of finding matches during an examination conducted
17 under sections 14-560 through 14-569, Idaho Code, between a death mas-
18 ter file and the names of some or all of the company's insureds or annui-
19 tants, finds a match that provides notice that the insured or annuitant
20 has died, and the company validates the death; or

21 (e) The company:

22 (i) Receives notice of the death of the insured or annuitant from
23 an administrator, beneficiary, policy owner, relative of the in-
24 sured, or trustee or from a personal representative, executor,
25 or other legal representative of the insured's or annuitant's es-
26 tate; and

27 (ii) Validates the death of the insured or annuitant.

28 (3) The following rules apply under this section:

29 (a) A death master file match under subsection (2) (c) or (d) of this
30 section occurs if the criteria for an exact or partial match are satis-
31 fied as provided by:

32 (i) Law of this state other than this chapter;

33 (ii) A rule or policy adopted by the Idaho department of insur-
34 ance; or

35 (iii) Absent a law, rule, or policy under subparagraph (i) or (ii)
36 of this paragraph, standards in the national conference of insur-
37 ance legislators' model unclaimed life insurance benefits act, as
38 published in 2014.

39 (b) The death master file match does not constitute proof of death for
40 the purpose of submission to an insurance company of a claim by a bene-
41 ficiary, annuitant or owner of the policy or contract for an amount due
42 under an insurance policy or annuity contract.

43 (c) The death master file match or validation of the insured's or annu-
44 itant's death does not alter the requirements for a beneficiary, annu-
45 itant or owner of the policy or contract to make a claim to receive pro-
46 ceeds under the terms of the policy or contract.

47 (d) If no provision in chapter 30, title 41, Idaho Code, which es-
48 tablishes a time for validation of a death of an insured or annuitant
49 applies, the insurance company shall make a good faith effort using
50 other available records and information to validate the death and docu-

1 ment the effort taken no later than ninety (90) days after the insurance
2 company has notice of the death.

3 (4) This chapter does not affect the determination of the extent to
4 which an insurance company before the effective date of this act had knowl-
5 edge of the death of an insured or annuitant or was required to conduct
6 a death master file comparison to determine whether amounts owed by the
7 company on a life or endowment insurance policy or annuity contract were
8 presumed abandoned or unclaimed.

9 SECTION 27. That Section [14-516](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 28. That Chapter 5, Title 14, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 14-516, Idaho Code, and to read as follows:

14 14-516. DEPOSIT ACCOUNT FOR PROCEEDS OF INSURANCE POLICY OR ANNUITY
15 CONTRACT. If proceeds payable under a life or endowment insurance policy or
16 annuity contract are deposited into an account with check or draft-writing
17 privileges for the beneficiary of the policy or contract and, under a supple-
18 mentary contract not involving annuity benefits other than death benefits,
19 the proceeds are retained by the insurance company or the financial organi-
20 zation where the account is held, the policy or contract includes the assets
21 in the account.

22 SECTION 29. That Chapter 5, Title 14, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 14-517, Idaho Code, and to read as follows:

25 14-517. HOLDING PERIOD DETERMINED BY TYPE OF LIABILITY. The allow-
26 able holding period shall be determined by the type of liability, or property
27 payable, not by the method of payment.

28 SECTION 30. That Section [14-518](#), Idaho Code, be, and the same is hereby
29 repealed.

30 SECTION 31. That Section 14-503, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 ~~14-503~~18. ~~GENERAL RULES FOR TAKING CUSTODY OF INTANGIBLE UNCLAIMED~~
33 ~~PROPERTY ADDRESS OF APPARENT OWNER TO ESTABLISH PRIORITY. Unless otherwise~~
34 ~~provided i~~n this chapter or by other statute of this state, intangible
35 ~~property is subject to the custody of this state as unclaimed property if the~~
36 ~~conditions raising a presumption of abandonment under sections 14-502 and~~
37 ~~14-505 through 14-516, Idaho Code, are satisfied and, the following rules~~
38 apply:

39 (1) ~~The last known address, as shown on the records of the holder, of~~
40 ~~the an~~ apparent owner is in this any description, code or other indication
41 ~~of the location of the apparent owner that identifies the state,~~ even if the
42 ~~description, code or indication of location is not sufficient to direct the~~
43 ~~delivery of first class United States mail to the apparent owner.~~

1 ~~(2) The records of the holder do not reflect the identity of the person~~
 2 ~~entitled to the property and it is established that the last known address of~~
 3 ~~the person entitled to the property is in this state;~~

4 ~~(3) The records of the holder do not reflect the last known address of~~
 5 ~~the apparent owner, and it is established that:~~

6 ~~(a) The last known address of the person entitled to the property is in~~
 7 ~~this state, or~~

8 ~~(b) The holder is a domiciliary or a government or governmental subdivi-~~
 9 ~~sion or agency of this state and has not previously paid or delivered~~
 10 ~~the property to the state of the last known address of the apparent owner~~
 11 ~~or other person entitled to the property;~~

12 ~~(4) The last known address, as shown on the records of the holder, of the~~
 13 ~~apparent owner is in a state that does not provide by law for the escheat or~~
 14 ~~custodial taking of the property or its escheat or unclaimed property law is~~
 15 ~~not applicable to the property and the holder is a domiciliary or a govern-~~
 16 ~~ment or governmental subdivision or agency of this state;~~

17 ~~(5) The last known address, as shown on the records of the holder, of~~
 18 ~~the apparent owner is in a foreign nation and the holder is a domiciliary or a~~
 19 ~~government or governmental subdivision or agency of this state; or~~

20 ~~(6) The transaction out of which the property arose occurred in this~~
 21 ~~state; and~~

22 ~~(a) 1. The last known address of the apparent owner or other person en-~~
 23 ~~titled to the property is unknown, or~~

24 ~~2. The last known address of the apparent owner or other person~~
 25 ~~entitled to the property is in a state that does not provide by law~~
 26 ~~for the escheat or custodial taking of the property or its escheat~~
 27 ~~or unclaimed property law is not applicable to the property; and~~

28 ~~(b) The holder is a domiciliary of a state that does not provide by law~~
 29 ~~for the escheat or custodial taking of the property or its escheat or un-~~
 30 ~~claimed property law is not applicable to the property~~

31 If the United States postal zip code associated with the apparent owner is
 32 for a post office located in this state, this state is deemed to be the state
 33 of the last known address of the apparent owner, unless other records asso-
 34 ciated with the apparent owner specifically identify the physical address of
 35 the apparent owner to be in another state.

36 (3) If the address under subsection (2) of this section is in another
 37 state, the other state is deemed to be the state of the last known address of
 38 the apparent owner.

39 (4) The address of the apparent owner of a life or endowment insurance
 40 policy or annuity contract or its proceeds is presumed to be the address of
 41 the insured or annuitant if a person other than the insured or annuitant is
 42 entitled to the amount owed under the policy or contract and the address of
 43 the other person is not known by the insurance company and cannot be deter-
 44 mined under section 14-519, Idaho Code.

45 SECTION 32. That Section [14-519](#), Idaho Code, be, and the same is hereby
 46 repealed.

47 SECTION 33. That Chapter 5, Title 14, Idaho Code, be, and the same is
 48 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 49 ignated as Section 14-519, Idaho Code, and to read as follows:

1 14-519. ADDRESS OF APPARENT OWNER IN THIS STATE. The administrator may
2 take custody of property that is presumed abandoned, whether located in this
3 state, another state, or a foreign country if:

4 (1) The last known address of the apparent owner in the records of the
5 holder is in this state; or

6 (2) The records of the holder do not reflect the identity or last known
7 address of the apparent owner, but the administrator has determined that the
8 last known address of the apparent owner is in this state.

9 SECTION 34. That Chapter 5, Title 14, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 14-520, Idaho Code, and to read as follows:

12 14-520. IF RECORDS SHOW MULTIPLE ADDRESSES OF APPARENT OWNER. (1) Ex-
13 cept as provided in subsection (2) of this section, if records of a holder re-
14 flect multiple addresses for an apparent owner and this state is the state of
15 the most recently recorded address, this state may take custody of property
16 presumed abandoned, whether located in this state or another state.

17 (2) If it appears from records of the holder that the most recently
18 recorded address of the apparent owner under subsection (1) of this section
19 is a temporary address and this state is the state of the next most recently
20 recorded address that is not a temporary address, this state may take custody
21 of the property presumed abandoned.

22 SECTION 35. That Chapter 5, Title 14, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 14-521, Idaho Code, and to read as follows:

25 14-521. HOLDER DOMICILED IN THIS STATE. (1) Except as provided in
26 subsection (2) of this section or section 14-519 or 14-520, Idaho Code,
27 the administrator may take custody of property presumed abandoned, whether
28 located in this state, another state, or a foreign country, if the holder
29 is domiciled in this state or is this state or a governmental subdivision,
30 agency or instrumentality of this state, and:

31 (a) Another state or foreign country is not entitled to the property be-
32 cause there is no last known address of the apparent owner or other per-
33 son entitled to the property in the records of the holder; or

34 (b) The state or foreign country of the last known address of the appar-
35 ent owner or other person entitled to the property does not provide for
36 custodial taking of the property.

37 (2) Property is not subject to custody of the administrator under sub-
38 section (1) of this section if the property is specifically exempt from cus-
39 todial taking under the law of this state or the state or foreign country of
40 the last known address of the apparent owner.

41 (3) If a holder's state of domicile has changed since the time property
42 was presumed abandoned, the holder's state of domicile in this section is
43 deemed to be the state where the holder was domiciled at the time the property
44 was presumed abandoned.

1 SECTION 36. That Chapter 5, Title 14, Idaho Code, be, and the same is
 2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 3 ignated as Section 14-522, Idaho Code, and to read as follows:

4 14-522. CUSTODY IF TRANSACTION TOOK PLACE IN THIS STATE. Except as
 5 provided in section 14-519, 14-520 or 14-521, Idaho Code, the administra-
 6 tor may take custody of property presumed abandoned whether located in this
 7 state or another state if:

8 (1) The transaction out of which the property arose took place in this
 9 state;

10 (2) The holder is domiciled in a state that does not provide for the cus-
 11 todial taking of the property, except that if the property is specifically
 12 exempt from custodial taking under the law of the state of the holder's domi-
 13 cile, the property is not subject to the custody of the administrator; and

14 (3) The last known address of the apparent owner or other person enti-
 15 tled to the property is unknown or in a state that does not provide for the
 16 custodial taking of the property, except that if the property is specifi-
 17 cally exempt from custodial taking under the law of the state of the last
 18 known address, the property is not subject to the custody of the administra-
 19 tor.

20 SECTION 37. That Section 14-504, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 14-504~~23~~. ~~TRAVELERS CHECKS AND TRAVELER'S CHECK, MONEY ORDERS ORDER~~
 23 ~~OR SIMILAR INSTRUMENT. (1) Subject to subsection (4) of this section, any sum~~
 24 ~~The administrator may take custody of sums payable on a travelers traveler's~~
 25 ~~check that has been outstanding for more than fifteen (15) years after its~~
 26 ~~issuance is, money order or similar instrument presumed abandoned unless the~~
 27 ~~owner, within fifteen (15) years, has communicated in writing with the is-~~
 28 ~~suer concerning it or otherwise indicated an interest as evidenced by a mem-~~
 29 ~~orandum or other record on file prepared by an employee of the issuer to the~~
 30 ~~extent permissible under 12 U.S.C. 2501 through 2503.~~

31 ~~(2) Subject to subsection (4) of this section, any sum payable on a~~
 32 ~~money order or similar written instrument, other than a third-party bank~~
 33 ~~check, that has been outstanding for more than seven (7) years after its is-~~
 34 ~~suance is presumed abandoned unless the owner, within seven (7) years, has~~
 35 ~~communicated in writing with the issuer concerning it or otherwise indicated~~
 36 ~~an interest as evidenced by a memorandum or other record on file prepared by~~
 37 ~~an employee of the issuer.~~

38 ~~(3) A holder may not deduct from the amount of a travelers check or money~~
 39 ~~order any charge imposed by reason of the failure to present the instrument~~
 40 ~~for payment unless there is a valid and enforceable written contract between~~
 41 ~~the issuer and the owner of the instrument pursuant to which the issuer may~~
 42 ~~impose a charge and the issuer regularly imposes such charges and does not~~
 43 ~~regularly reverse or otherwise cancel them.~~

44 ~~(4) No sum payable on a travelers check, money order, or similar written~~
 45 ~~instrument, other than a third-party bank check, described in subsections~~
 46 ~~(1) and (2) of this section may be subjected to the custody of this state as~~
 47 ~~unclaimed property unless:~~

1 ~~(a) The records of the issuer show that the travelers check, money or-~~
 2 ~~der, or similar written instrument was purchased in this state;~~
 3 ~~(b) The issuer has its principal place of business in this state and the~~
 4 ~~records of the issuer do not show the state in which the travelers check,~~
 5 ~~money order, or similar written instrument was purchased; or~~
 6 ~~(c) The issuer has its principal place of business in this state, the~~
 7 ~~records of the issuer show the state in which the travelers check, money~~
 8 ~~order, or similar written instrument was purchased and the laws of the~~
 9 ~~state of purchase do not provide for the escheat or custodial taking of~~
 10 ~~the property or its escheat or unclaimed property law is not applicable~~
 11 ~~to the property.~~

12 SECTION 38. That Chapter 5, Title 14, Idaho Code, be, and the same is
 13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 14 ignated as Section 14-524, Idaho Code, and to read as follows:

15 14-524. BURDEN OF PROOF TO ESTABLISH ADMINISTRATOR'S RIGHT TO CUS-
 16 TODY. (1) If the administrator asserts a right to custody of unclaimed
 17 property, the administrator has the initial burden to prove:

- 18 (a) The existence and amount of the property;
- 19 (b) The property is presumed abandoned; and
- 20 (c) The property is subject to the custody of the administrator.

21 (2) The initial burden of the administrator may be met by one (1) or more
 22 of the following:

- 23 (a) The findings of an examination of the records of a person under sec-
 24 tion 14-561, Idaho Code;
- 25 (b) The failure of a person to file a verified report of property re-
 26 quired by section 14-560, Idaho Code;
- 27 (c) The failure of the holder to retain records required by section
 28 14-528, Idaho Code; or
- 29 (d) Evidence showing that it is more likely than not that the property
 30 is subject to the custody of the administrator.

31 SECTION 39. That Section 14-517, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 14-51725. REPORT OF ABANDONED PROPERTY REQUIRED BY HOLDER. (1) A
 34 person holding holder of property tangible or intangible, presumed aban-
 35 doned and subject to the custody as unclaimed property under this chapter,
 36 shall report to of the administrator shall report in a record to the admin-
 37 istrator concerning the property as provided in this section. The adminis-
 38 trator may not require a holder to file a paper report and may prescribe the
 39 format of the report by rule.

40 (2) The report must be verified and must include:

- 41 ~~(a) Except with respect to traveler's checks and money orders, the~~
 42 ~~name, if known, and last known address, if any, of each person appearing~~
 43 ~~from the records of the holder to be the owner of property presumed aban-~~
 44 ~~doned under this chapter;~~
- 45 ~~(b) In the case of unclaimed funds of more than fifty dollars (\$50.00)~~
 46 ~~held or owing under any life or endowment insurance policy or annuity~~
 47 ~~contract, the full name and last known address of the insured or annu-~~

1 ~~itant and of the beneficiary according to the records of the insurance~~
2 ~~company holding or owing the funds;~~

3 ~~(c) In the case of the contents of a safe deposit box or other safekeep-~~
4 ~~ing repository or of other tangible property, a description of the prop-~~
5 ~~erty and the place where it is held and may be inspected by the adminis-~~
6 ~~trator and any amounts owing to the holder;~~

7 ~~(d) The nature and identifying number, if any, or description of the~~
8 ~~property and the amount appearing from the records to be due;~~

9 ~~(e) The date the property became payable, demandable, or returnable,~~
10 ~~and the date of the last transaction with the apparent owner with re-~~
11 ~~spect to the property; and~~

12 ~~(f) Other information the administrator prescribes by rule as neces-~~
13 ~~sary for the administration of the provisions of this chapter.~~

14 ~~(3) If the person holding property presumed abandoned and subject to~~
15 ~~custody as unclaimed property is a successor to other persons who previously~~
16 ~~held the property for the apparent owner or the holder has changed his name~~
17 ~~while holding the property, he shall file with his report all known names and~~
18 ~~addresses of each previous holder of the property.~~

19 ~~(4) The report must be filed no later than November 1 of each year as of~~
20 ~~June 30 next preceding. On written request by any person required to file a~~
21 ~~report, the administrator may postpone the reporting date.~~

22 ~~(5) All holders of property presumed abandoned under this section that~~
23 ~~know the whereabouts of the owner of such property shall, before filing the~~
24 ~~annual report, communicate with the owner and take necessary steps to pre-~~
25 ~~vent abandonment from being presumed. Not more than one hundred twenty (120)~~
26 ~~days before filing the report required by this section, the holder in pos-~~
27 ~~session of property presumed abandoned and subject to custody as unclaimed~~
28 ~~property under this chapter shall send written notice to the apparent owner~~
29 ~~at his last known address informing him that the holder is in possession of~~
30 ~~property subject to this chapter if the holder has in its records an address~~
31 ~~for the apparent owner which the holder's records do not disclose to be inac-~~
32 ~~curate.~~

33 ~~(6) The written notice required under this section shall include the~~
34 ~~name and address of the apparent owner, the nature and amount of the property~~
35 ~~presumed abandoned in the holder's possession, the name and address of the~~
36 ~~holder of the property presumed abandoned, a request that the apparent owner~~
37 ~~identify whether the property presumed abandoned is or is not unclaimed~~
38 ~~property under this chapter, and the reasons therefor, and any other crite-~~
39 ~~ria the administrator deems appropriate.~~

40 ~~(7) If the apparent owner completes and returns the written notice de-~~
41 ~~scribed in subsection (6) of this section to the holder, and the apparent~~
42 ~~owner indicates a claim to the property presumed abandoned or indicates that~~
43 ~~the property identified in the written notice is not abandoned property, the~~
44 ~~holder need not pay or deliver the property to the administrator, and the~~
45 ~~property shall not be considered abandoned.~~

46 ~~(8) In the event a holder receives a written notice as described in sub-~~
47 ~~section (7) of this section demonstrating that certain property is not aban-~~
48 ~~doned, a new presumption of abandonment may arise for such property due to~~
49 ~~the passage of time. The date the holder receives the written notice shall~~

1 ~~be deemed the date such property became payable or distributable for the pur-~~
 2 ~~poses of calculating whether a presumption of abandonment has arisen.~~

3 ~~(9) A report filed pursuant to this section shall be presumed accurate~~
 4 ~~if the holder has maintained adequate records sufficient to establish by a~~
 5 ~~preponderance of evidence that each item on the report is accurate and cor-~~
 6 ~~rect.~~

7 ~~(10) Any person or holder in possession of ten (10) or more items of~~
 8 ~~unclaimed property must submit an accurate electronic report in the format~~
 9 ~~prescribed by the administrator~~

10 A holder may contract with a third party to make the report required by sub-
 11 section (1) of this section.

12 (3) Whether or not a holder contracts with a third party under subsec-
 13 tion (2) of this section, the holder is responsible:

14 (a) To the administrator for the complete, accurate and timely report-
 15 ing of property presumed abandoned; and

16 (b) For paying or delivering to the administrator property described in
 17 the report.

18 (4) The administrator may require a report confirming that the holder
 19 holds no property presumed abandoned.

20 SECTION 40. That Chapter 5, Title 14, Idaho Code, be, and the same is
 21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 22 ignated as Section 14-526, Idaho Code, and to read as follows:

23 14-526. CONTENT OF REPORT. (1) The report required under section
 24 14-525, Idaho Code, must:

25 (a) Be signed by or on behalf of the holder and verified as to its com-
 26 pleteness and accuracy;

27 (b) If filed electronically, be in a secure format approved by the
 28 administrator that protects confidential information of the apparent
 29 owner in the same manner as required of the administrator and the admin-
 30 istrator's agent under sections 14-581 through 14-587, Idaho Code;

31 (c) Describe the property;

32 (d) Except for a traveler's check, money order, or similar instrument,
 33 contain the name, if known, last known address, if known, and social
 34 security number or taxpayer identification number, if known or readily
 35 ascertainable, of the apparent owner of property;

36 (e) For an amount held or owing under a life or endowment insurance pol-
 37 icy, annuity contract or other property where ownership rests in a bene-
 38 ficiary upon the death of the owner, contain the name and last known ad-
 39 dress of the insured, annuitant or other apparent owner of the policy or
 40 contract and of the beneficiary;

41 (f) For property held in or removed from a safe deposit box, indicate
 42 the location of the property, where it may be inspected by the adminis-
 43 trator, and any amounts owed to the holder under section 14-540, Idaho
 44 Code;

45 (g) Contain the commencement date for determining abandonment under
 46 sections 14-505 through 14-517, Idaho Code;

47 (h) State that the holder has complied with the notice requirements of
 48 section 14-531, Idaho Code;

1 (i) Identify property that is a non-freely transferable security and
2 explain why it is a non-freely transferable security; and

3 (j) Contain other information the administrator prescribes by rule.

4 (2) A report under section 14-525, Idaho Code, may include personal in-
5 formation as defined in section 14-581(1), Idaho Code, about the apparent
6 owner or the apparent owner's property to the extent not otherwise prohib-
7 ited by federal law.

8 (3) If a holder has changed its name while holding property presumed
9 abandoned or is a successor to another person that previously held the prop-
10 erty for the apparent owner, the holder must include in the report under sec-
11 tion 14-525, Idaho Code, its former name or the name of the previous holder,
12 if any, and the known name and address of each previous holder of the prop-
13 erty.

14 SECTION 41. That Section [14-527](#), Idaho Code, be, and the same is hereby
15 repealed.

16 SECTION 42. That Chapter 5, Title 14, Idaho Code, be, and the same is
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
18 ignated as Section 14-527, Idaho Code, and to read as follows:

19 14-527. WHEN REPORT TO BE FILED. (1) Except as otherwise provided in
20 subsection (2) and subject to subsection (3) of this section, the report un-
21 der section 14-525, Idaho Code, must be filed before November 1 of each year
22 and cover the twelve (12) months preceding July 1 of that year.

23 (2) Subject to subsection (3) of this section, the report under section
24 14-525, Idaho Code, to be filed by an insurance company must be filed before
25 May 1 of each year for the immediately preceding calendar year.

26 (3) Before the date for filing the report under section 14-525, Idaho
27 Code, the holder of property presumed abandoned may request the administra-
28 tor to extend the time for filing. The administrator may grant an extension.
29 If the extension is granted, the holder may pay or make a partial payment of
30 the amount the holder estimates ultimately will be due.

31 SECTION 43. That Section [14-528](#), Idaho Code, be, and the same is hereby
32 repealed.

33 SECTION 44. That Chapter 5, Title 14, Idaho Code, be, and the same is
34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
35 ignated as Section 14-528, Idaho Code, and to read as follows:

36 14-528. RETENTION OF RECORDS BY HOLDER. A holder required to file a
37 report under section 14-525, Idaho Code, shall retain records for ten (10)
38 years after the later of the date the report was filed or the last date a
39 timely report was due to be filed, unless a shorter period is provided by
40 rule of the administrator. The holder may satisfy the requirement to retain
41 records under this section through an agent. The records must contain:

42 (1) The information required to be included in the report;

43 (2) The date, place, and nature of the circumstances that gave rise to
44 the property right;

45 (3) The amount or value of the property;

1 (4) The last address of the apparent owner, if known to the holder;

2 (5) If the holder sells, issues or provides to others for sale or is-
3 sue in this state traveler's checks, money orders, or similar instruments,
4 other than third-party bank checks, on which the holder is directly liable, a
5 record of the instruments while they remain outstanding indicating the state
6 and date of issue;

7 (6) Deductions for service charges incurred after the report date;

8 (7) Interest accruing on reportable amounts or contracts providing for
9 the cessation of such interest; and

10 (8) Notices sent pursuant to section 14-531, Idaho Code, that have been
11 signed by the apparent owner and returned to the holder.

12 SECTION 45. That Section [14-529](#), Idaho Code, be, and the same is hereby
13 repealed.

14 SECTION 46. That Chapter 5, Title 14, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 14-529, Idaho Code, and to read as follows:

17 14-529. PROPERTY REPORTABLE AND PAYABLE OR DELIVERABLE ABSENT OWNER
18 DEMAND. Property is reportable and payable or deliverable under this chapter
19 even if the owner fails to make demand or present an instrument or document
20 otherwise required to obtain payment.

21 SECTION 47. That Section 14-542, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 14-54230. ~~EXEMPTION REPORTING BY IDAHO COUNTIES AND CERTAIN NONPROFIT~~
24 UTILITIES. (1) The following shall be eligible for a certificate of exemp-
25 tion from the administrator. Entities holding a certificate of exemption
26 shall not be subject to the provisions of this chapter, except as set forth in
27 this section:

28 (a) Idaho counties; and

29 (b) Solely for the purpose of unclaimed capital credits, nonprofit cor-
30 porations engaged in providing telecommunications service or delivery
31 of electric power. For the purposes of this section, a capital credit is
32 an amount paid by a member for telecommunication or electric service in
33 excess of the costs and expenses incurred by a nonprofit corporation in
34 furnishing the service that is credited to the member's capital account
35 by the nonprofit corporation and distributed to the member.

36 (2) A certificate of exemption shall be provided to an eligible entity
37 on the following basis:

38 (a) The county commissioners or board of directors, as applicable, file
39 an election in writing with the administrator;

40 (b) The entity establishes a revolving fund to pay claimants, and re-
41 tains in said fund, an amount equal to twenty-five percent (25%) of the
42 accumulated unclaimed property or twenty thousand dollars (\$20,000),
43 whichever is less. Excess money in the revolving fund may be trans-
44 ferred to any fund of the entity; provided however, that a transfer of
45 funds shall not alter or extinguish an owner's right to claim the prop-
46 erty; and

1 (c) The entity provides the administrator with the information re-
2 quired in the reports of abandoned property, to enable the administra-
3 tor to maintain a complete central registry of all unclaimed property in
4 the state.

5 (3) In the event of revocation of the election or the administrator de-
6 termines that the entity has not complied with the requirements or exemp-
7 tion, the exemption shall terminate, the entity shall transfer all unclaimed
8 property and unclaimed property records to the administrator and the entity
9 shall be subject to the provisions of this chapter.

10 (4) The public utilities commission may certify that a utility is par-
11 ticipating in a financial assistance program that assists the utility's low-
12 income and disadvantaged customers with their utility bills. Upon certifi-
13 cation to the administrator, the utility shall pay the funds that would have
14 been presumed to be abandoned under section 14-505(12), Idaho Code, to the
15 financial assistance program certified by the public utilities commission.
16 The utility shall remain obligated to file its report of such abandoned prop-
17 erty as required by section 14-525, Idaho Code.

18 SECTION 48. That Section [14-531](#), Idaho Code, be, and the same is hereby
19 repealed.

20 SECTION 49. That Chapter 5, Title 14, Idaho Code, be, and the same is
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
22 ignated as Section 14-531, Idaho Code, and to read as follows:

23 14-531. NOTICE TO APPARENT OWNER BY HOLDER. (1) Subject to subsection
24 (2) of this section, the holder of property presumed abandoned shall send
25 to the apparent owner notice by first class United States mail that complies
26 with section 14-532, Idaho Code, in a format acceptable to the administra-
27 tor no more than one hundred eighty (180) days nor less than sixty (60) days
28 before filing the report under section 14-525, Idaho Code, if the holder has
29 in its records an address for the apparent owner that the holder's records do
30 not disclose to be invalid and is sufficient to direct the delivery of first
31 class United States mail to the apparent owner.

32 (2) If an apparent owner has consented to receive electronic mail de-
33 livery from the holder, the holder shall send the notice described in sub-
34 section (1) of this section both by first class United States mail to the
35 apparent owner's last known mailing address and by electronic mail, unless
36 the holder believes that the apparent owner's electronic mail address is in-
37 valid.

38 SECTION 50. That Chapter 5, Title 14, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 14-532, Idaho Code, and to read as follows:

41 14-532. CONTENTS OF NOTICE BY HOLDER. (1) Notice under section
42 14-531, Idaho Code, must contain a heading that reads substantially as
43 follows: "Notice. The state of Idaho requires us to notify you that your
44 property may be transferred to the custody of the state treasurer's office if
45 you do not contact us before (insert date that is thirty (30) days after the
46 date of this notice)."

- 1 (2) The notice under section 14-531, Idaho Code, must:
- 2 (a) Identify the nature and, except for property that does not have a
- 3 fixed value, the value of the property that is the subject of the notice;
- 4 (b) State that the property will be turned over to the administrator;
- 5 (c) State that, after the property is turned over to the administrator,
- 6 an apparent owner that seeks return of the property must file a claim
- 7 with the administrator;
- 8 (d) State that property that is not legal tender of the United States
- 9 may be sold by the administrator;
- 10 (e) Provide instructions that the apparent owner must follow to prevent
- 11 the holder from reporting and paying or delivering the property to the
- 12 administrator; and
- 13 (f) Provide the name, address and electronic mail address or telephone
- 14 number to contact the holder.
- 15 (3) The holder may supplement the required information by listing a
- 16 website where apparent owners may obtain more information about how to pre-
- 17 vent the holder from reporting and paying or delivering the property to the
- 18 administrator.

19 SECTION 51. That Chapter 5, Title 14, Idaho Code, be, and the same is

20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-

21 ignated as Section 14-533, Idaho Code, and to read as follows:

22 14-533. NOTICE BY ADMINISTRATOR. (1) The administrator shall give no-

23 tice to an apparent owner that property presumed abandoned and that appears

24 to be owned by the apparent owner is held by the administrator under this

25 chapter.

26 (2) In providing notice under subsection (1) of this section, the ad-

27 ministrator shall:

28 (a) Publish every six (6) months in at least one (1) newspaper of gen-

29 eral circulation in each county in this state notice of property held by

30 the administrator that must include:

31 (i) The internet web address of the unclaimed property website

32 maintained by the administrator;

33 (ii) A telephone number and electronic mail address to contact the

34 administrator to inquire about or claim property; and

35 (iii) A statement that a person may access the internet by a com-

36 puter to search for unclaimed property and a computer may be avail-

37 able as a service to the public at a local public library; and

38 (b) Maintain a website or database accessible by the public and elec-

39 tronically searchable that contains the names reported to the adminis-

40 trator of all apparent owners for whom property is being held by the ad-

41 ministrator. The website or database maintained under this subsection

42 must include instructions for filing a claim to property with the admin-

43 istrator.

44 (3) In addition to giving the notice described under subsection (2) of

45 this section, the administrator may use other printed publication, telecom-

46 munication, the internet or other media to inform the public of the existence

47 of unclaimed property held by the administrator.

48 (4) The administrator may undertake other public outreach efforts to:

1 (a) Inform owners of abandoned property of the location and process for
2 retrieving such property, including participation in public events,
3 placement of media advertisements, and publication and distribution of
4 brochures or flyers; and

5 (b) Educate holders of property on the requirements of this chapter.

6 SECTION 52. That Chapter 5, Title 14, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 14-534, Idaho Code, and to read as follows:

9 14-534. COOPERATION AMONG STATE OFFICERS AND AGENCIES TO LOCATE AP-
10 PARENT OWNER. Unless prohibited by law of this state other than this chap-
11 ter, on request of the administrator, each officer, agency, board, commis-
12 sion, division and department of this state, any body politic and corporate
13 created by this state for a public purpose, and each political subdivision
14 of this state shall make its books and records available to the administra-
15 tor and cooperate with the administrator to determine the current address of
16 an apparent owner of property held by the administrator under this chapter
17 or to otherwise assist the administrator in the administration of this chap-
18 ter. The administrator may also enter into data-sharing agreements, includ-
19 ing but not limited to agreements to exchange data for the purpose of locat-
20 ing apparent owners and to enable such other governmental agencies to pro-
21 vide an additional notice to apparent owners of property held by the adminis-
22 trator.

23 SECTION 53. That Chapter 5, Title 14, Idaho Code, be, and the same is
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
25 ignated as Section 14-535, Idaho Code, and to read as follows:

26 14-535. DEFINITION OF GOOD FAITH. In sections 14-535 through 14-544,
27 Idaho Code, payment or delivery of property is made in good faith if a holder:

28 (1) Had a reasonable basis for believing, based on the facts then known,
29 that the property was required or permitted to be paid or delivered to the
30 administrator under this chapter; or

31 (2) Made payment or delivery:

32 (a) In response to a demand by the administrator or the administrator's
33 agent; or

34 (b) Under a guidance or ruling issued by the administrator that the
35 holder reasonably believed required or permitted the property to be
36 paid or delivered.

37 SECTION 54. That Chapter 5, Title 14, Idaho Code, be, and the same is
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
39 ignated as Section 14-536, Idaho Code, and to read as follows:

40 14-536. DORMANCY CHARGE. (1) A holder may deduct a dormancy charge
41 from property required to be paid or delivered to the administrator if:

42 (a) A valid contract between the holder and the apparent owner autho-
43 rizes imposition of the charge for the apparent owner's failure to claim
44 the property within a specified time;

1 (b) The provision authorizing the imposition of a dormancy charge is
2 conspicuous as defined in section 28-1-201, Idaho Code; and

3 (c) The holder regularly imposes the charge and regularly does not re-
4 verse or otherwise cancel the charge.

5 (2) The amount of the deduction under subsection (1) of this section
6 is limited to an amount that is not unconscionable considering all relevant
7 factors, including the marginal transactional costs incurred by the holder
8 in maintaining the apparent owner's property and any services received by
9 the apparent owner.

10 (3) Notwithstanding the purposes of subsection (2) of this section,
11 dormancy charges shall not exceed an amount equal to the legal rate of inter-
12 est published by the state treasurer under section 28-22-104, Idaho Code.

13 (4) A holder may not deduct an escheat fee or other charges imposed
14 solely by virtue of property being reported as presumed abandoned.

15 SECTION 55. That Chapter 5, Title 14, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 14-537, Idaho Code, and to read as follows:

18 14-537. PAYMENT OR DELIVERY OF PROPERTY TO ADMINISTRATOR. (1) Except
19 as otherwise provided in this section, on filing a report under section
20 14-525, Idaho Code, the holder shall pay or deliver to the administrator the
21 property described in the report.

22 (2) If property in a report under section 14-525, Idaho Code, is an au-
23 tomatically renewable deposit and a penalty or forfeiture in the payment of
24 interest would result from paying the deposit to the administrator at the
25 time of the report, the date for payment of the property to the administrator
26 is extended until a penalty or forfeiture no longer would result from pay-
27 ment, if the holder informs the administrator of the extended date.

28 (3) Tangible property in a safe deposit box may not be delivered to the
29 administrator until a date accepted by the administrator.

30 (4) If property reported to the administrator under section 14-525,
31 Idaho Code, is a security, the administrator may:

32 (a) Make an endorsement, instruction or entitlement order on behalf of
33 the apparent owner to invoke the duty of the issuer, its transfer agent
34 or the securities intermediary to transfer the security; or

35 (b) Dispose of the security under section 14-546, Idaho Code.

36 (5) If the holder of property reported to the administrator under sec-
37 tion 14-525, Idaho Code, is the issuer of a certificated security, the admin-
38 istrator may obtain a replacement certificate in physical or book-entry form
39 under section 28-8-405, Idaho Code, at no cost. An indemnity bond is not re-
40 quired.

41 (6) The administrator shall establish procedures for the registration,
42 issuance, method of delivery, transfer and maintenance of securities deliv-
43 ered to the administrator by a holder.

44 (7) An issuer, holder and transfer agent or other person acting in good
45 faith under this section under the instructions of and on behalf of the is-
46 suer or holder is not liable to the apparent owner for a claim arising with
47 respect to property after the property has been delivered to the administra-
48 tor.

1 (8) A holder is not required to deliver to the administrator a security
 2 identified by the holder as a non-freely transferable security in a report
 3 filed under section 14-525, Idaho Code. If the administrator or holder de-
 4 termines that a security is no longer a non-freely transferable security,
 5 the holder shall deliver the security on the next regular date prescribed for
 6 delivery of securities under this chapter. The holder shall make a determi-
 7 nation annually whether a security identified in a report filed under sec-
 8 tion 14-525, Idaho Code, as a non-freely transferable security is no longer a
 9 non-freely transferable security.

10 SECTION 56. That Section 14-520, Idaho Code, be, and the same is hereby
 11 amended to read as follows:

12 14-52038. ~~CUSTODY BY STATE, HOLDER RELIEVED FROM LIABILITY -- REIM-~~
 13 ~~BURSEMENT OF HOLDER PAYING CLAIM -- RECLAIMING FOR OWNER -- DEFENSE OF HOLDER~~
 14 ~~-- EFFECT OF PAYMENT OF SAFE DEPOSIT BOX OR REPOSITORY CHARGES DELIVERY OF~~
 15 ~~PROPERTY TO ADMINISTRATOR.~~ (1) Upon the On payment or delivery of property
 16 to the administrator under this chapter, the administrator as agent for
 17 the state assumes custody and responsibility for ~~the~~ safekeeping of the
 18 property. A person who holder that pays or delivers property to the admin-
 19 istrator in good faith and substantially complies with sections 14-531 and
 20 14-532, Idaho Code, is relieved of all liability to the extent of the value
 21 of the property paid or delivered for any claim then existing or which there-
 22 after may arise or be made in respect to the property to the extent of the
 23 value of the property so paid or delivered.

24 (2) ~~A holder who has paid money to the administrator pursuant to this~~
 25 ~~chapter may make payment to any person appearing to the holder to be enti-~~
 26 ~~tled to payment and, upon filing proof of payment and proof that the payee~~
 27 ~~was entitled thereto, the administrator shall promptly reimburse the holder~~
 28 ~~for the payment without imposing any fee or other charge. If reimbursement~~
 29 ~~is sought for a payment made on a negotiable instrument, including a travel-~~
 30 ~~ers check or money order, the holder must be reimbursed under this subsection~~
 31 ~~upon filing proof that the instrument was duly presented and that payment~~
 32 ~~was made to a person who appeared to the holder to be entitled to payment.~~
 33 ~~The holder must be reimbursed for payment made under this subsection even if~~
 34 ~~the payment was made to a person whose claim was barred under section 14-529,~~
 35 ~~Idaho Code.~~

36 (3) ~~A holder who has delivered property, including a certificate of any~~
 37 ~~interest in a business association, other than money to the administrator~~
 38 ~~pursuant to this chapter may reclaim the property if still in the possession~~
 39 ~~of the administrator, without paying any fee or other charge, upon filing~~
 40 ~~proof that the owner has claimed the property from the holder.~~

41 (4) ~~The administrator may accept the holder's affidavit as sufficient~~
 42 ~~proof of the facts that entitle the holder to recover money and property un-~~
 43 ~~der this section.~~

44 (5) ~~If the holder pays or delivers property to the administrator in good~~
 45 ~~faith and thereafter another person claims the property from the holder or~~
 46 ~~another state claims the money or property under its laws relating to escheat~~
 47 ~~or abandoned or unclaimed property, the administrator, upon written notice~~
 48 ~~of the claim, shall defend the holder against the claim and indemnify the~~
 49 ~~holder against any liability on the claim.~~

1 ~~(6) For the purposes of this section, "good faith" means that:~~

2 ~~(a) Payment or delivery was made in a reasonable attempt to comply with~~
3 ~~the provisions of this chapter;~~

4 ~~(b) The person delivering the property was not a fiduciary then in~~
5 ~~breach of trust in respect to the property and had a reasonable basis for~~
6 ~~believing, based on the facts then known to him, that the property was~~
7 ~~abandoned for the purposes of this chapter; and~~

8 ~~(c) There is no showing that the records pursuant to which the delivery~~
9 ~~was made did not meet reasonable commercial standards of practice in the~~
10 ~~industry.~~

11 ~~(7) Property removed from a safe deposit box or other safekeeping~~
12 ~~repository is received by the administrator subject to the holder's right~~
13 ~~under this subsection to be reimbursed for the actual cost of the opening and~~
14 ~~to any valid lien or contract providing for the holder to be reimbursed for~~
15 ~~unpaid rent or storage charges. The administrator shall reimburse or pay~~
16 ~~the holder out of the proceeds remaining after deducting the administrator's~~
17 ~~selling cost~~

18 In the event legal proceedings are instituted by any other state or states
19 in any state or federal court with respect to unclaimed funds or abandoned
20 property previously paid or delivered to the administrator:

21 (a) The holder shall give written notification to the administrator and
22 the attorney general of this state of such proceedings within ten (10)
23 days after service of process, or in the alternative at least ten (10)
24 days before the return date or date on which an answer or similar plead-
25 ing is due, or any extension thereof secured by the holder.

26 (b) The attorney general may take such action as he deems necessary or
27 expedient to protect the interests of the state of Idaho.

28 (c) The attorney general, by written notice prior to the return date
29 or date on which an answer or similar pleading is due, or any extension
30 thereof secured by the holder, but in any event in reasonably sufficient
31 time for the holder to comply with the directions received, shall either
32 direct the holder actively to defend in such proceedings or that no de-
33 fense need be entered in such proceedings.

34 (d) If a direction is received from the attorney general that the holder
35 need not make a defense, such shall not preclude the holder from en-
36 tering a defense in its own name if it should so choose. However, any
37 defense made by the holder on its own initiative shall not entitle the
38 holder to reimbursement for legal fees, costs and other expenses as is
39 hereinafter provided with respect to defenses made pursuant to the di-
40 rections of the attorney general.

41 (e) If, after the holder has actively defended in such proceedings
42 pursuant to a direction of the attorney general, or has been notified
43 in writing by the attorney general that no defense need be made with
44 respect to such funds, a judgment is entered against the holder for
45 any amount paid to the administrator under this act, the administrator
46 shall, upon being furnished with proof of payment in satisfaction of
47 such judgment, reimburse the holder the amount so paid. The administra-
48 tor shall also reimburse the holder for any legal fees, costs and other
49 directly related expenses incurred in legal proceedings undertaken
50 pursuant to the direction of the attorney general.

1 SECTION 57. That Chapter 5, Title 14, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 14-539, Idaho Code, and to read as follows:

4 14-539. RECOVERY OF PROPERTY BY HOLDER FROM ADMINISTRATOR. (1) A
5 holder that under this chapter pays money to the administrator may file a
6 claim for reimbursement from the administrator of the amount paid if the
7 holder:

8 (a) Paid the money in error; or

9 (b) After paying the money to the administrator, paid money to a person
10 the holder reasonably believed was entitled to the money.

11 (2) If a claim for reimbursement under subsection (1) of this section is
12 made for a payment made on a negotiable instrument, including a traveler's
13 check, money order or similar instrument, the holder must submit proof that
14 the instrument was presented and payment was made to a person the holder rea-
15 sonably believed was entitled to payment. The holder may claim reimburse-
16 ment even if the payment was made to a person whose claim was made after ex-
17 piration of a period of limitation on the owner's right to receive or recover
18 property, whether specified by contract, statute or court order.

19 (3) If a holder is reimbursed by the administrator under subsection
20 (1) (b) of this section, the holder may also recover from the administrator
21 income or gain under section 14-541, Idaho Code, realized or accrued on the
22 property before the property is sold to the extent the income or gain was paid
23 by the holder to the owner. Interest on money paid by a holder to an owner is
24 not recoverable by a holder for periods where the property is in the posses-
25 sion of the administrator.

26 (4) A holder that under this chapter delivers property other than money
27 to the administrator may file a claim for return of the property from the ad-
28 ministrator if:

29 (a) The holder delivered the property in error; or

30 (b) The apparent owner has claimed the property from the holder.

31 (5) If a claim for return of property under subsection (4) of this sec-
32 tion is made, the holder shall include with the claim evidence sufficient to
33 establish that the apparent owner has claimed the property from the holder or
34 that the property was delivered by the holder to the administrator in error.

35 (6) The administrator may determine that an affidavit submitted by a
36 holder is evidence sufficient to establish that the holder is entitled to re-
37 imbursement or to recover property under this section.

38 (7) A holder is not required to pay a fee or other charge for reimburse-
39 ment or return of property under this section.

40 (8) No later than ninety (90) days after a claim is filed under subsec-
41 tion (1) or (4) of this section, the administrator or the administrator's
42 agent shall issue a preliminary order, allowing or denying the claim and giv-
43 ing the claimant notice of the decision in a record. If the administrator
44 does not take action on a claim during the ninety (90) day period, the claim
45 is deemed denied.

46 (9) Unless the administrator provides for a longer period by rule, the
47 claimant may petition under chapter 52, title 67, Idaho Code, for review of
48 the preliminary order or the deemed denial under subsection (8) of this sec-
49 tion no later than:

- 1 (a) Fourteen (14) days following receipt of the preliminary order; or
 2 (b) One hundred four (104) days following the filing of a claim under
 3 subsection (1) or (4) of this section, in the case of a deemed denial un-
 4 der subsection (8) of this section.
 5 (10) A final order in an administrative proceeding initiated under sub-
 6 section (9) of this section is subject to judicial review in accordance with
 7 the provisions of chapter 52, title 67, Idaho Code.

8 SECTION 58. That Section 14-540, Idaho Code, be, and the same is hereby
 9 repealed.

10 SECTION 59. That Chapter 5, Title 14, Idaho Code, be, and the same is
 11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 12 ignated as Section 14-540, Idaho Code, and to read as follows:

13 14-540. PROPERTY REMOVED FROM SAFE DEPOSIT BOX. Property removed from
 14 a safe deposit box and delivered to the administrator under this chapter is
 15 subject to the holder's right to reimbursement for the cost of opening the
 16 box and a lien or contract providing reimbursement to the holder for unpaid
 17 rent charges for the box. The administrator shall reimburse the holder from
 18 the proceeds remaining after deducting the expense incurred by the adminis-
 19 trator in selling the property.

20 SECTION 60. That Section 14-521, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 14-5241. ~~CREDITING OF DIVIDENDS, INTEREST, INCOME OR INCREMENTS GAIN~~
 23 ~~TO OWNER'S ACCOUNT. Whenever~~ If property other than money is ~~paid or de-~~
 24 ~~livered to the administrator under this chapter,~~ the owner is entitled to
 25 receive from the administrator ~~any dividends, interest, income or other~~
 26 ~~increments gain~~ realized or ~~accruing~~ accrued on the property ~~at or before~~
 27 ~~liquidation or conversion thereof into money~~ the property is sold. Interest
 28 on money is not payable to an owner for periods where the property is in the
 29 possession of the administrator.

30 SECTION 61. That Chapter 5, Title 14, Idaho Code, be, and the same is
 31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 32 ignated as Section 14-542, Idaho Code, and to read as follows:

33 14-542. ADMINISTRATOR'S OPTIONS REGARDING CUSTODY. (1) The admin-
 34 istrator may decline to take custody of property reported under section
 35 14-525, Idaho Code, if the administrator determines that:

- 36 (a) The property has a value less than the estimated expenses of notice
 37 and sale of the property; or
 38 (b) Taking custody of the property would be unlawful.
 39 (2) A holder may pay or deliver property to the administrator before the
 40 property is presumed abandoned under this chapter if the holder:
 41 (a) Sends the apparent owner of the property notice required by sec-
 42 tion 14-531, Idaho Code, and provides the administrator evidence of the
 43 holder's compliance with this paragraph;

1 (b) Includes with the payment or delivery a report regarding the prop-
2 erty conforming to section 14-526, Idaho Code; and

3 (c) First obtains the administrator's consent in a record to accept
4 payment or delivery.

5 (3) A holder's request for the administrator's consent under subsec-
6 tion (2)(c) of this section must be in a record. If the administrator fails
7 to respond to the request within thirty (30) days after receipt of the re-
8 quest, the administrator is deemed to consent to the payment or delivery of
9 the property and the payment or delivery is considered to have been made in
10 good faith.

11 (4) On payment or delivery of property under subsection (2) of this sec-
12 tion, the property is presumed abandoned.

13 SECTION 62. That Section [14-543](#), Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 63. That Chapter 5, Title 14, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 14-543, Idaho Code, and to read as follows:

18 14-543. DISPOSITION OF PROPERTY HAVING NO SUBSTANTIAL VALUE -- IMMUN-
19 NITY FROM LIABILITY. (1) If the administrator takes custody of property de-
20 livered under this chapter and later determines that the property has no sub-
21 stantial commercial value or that the cost of disposing of the property will
22 exceed the value of the property, the administrator may return the property
23 to the holder or destroy or otherwise dispose of the property.

24 (2) An action or proceeding may not be commenced against the state, an
25 agency of the state, the administrator, another officer, employee, or agent
26 of the state, or a holder for or because of an act of the administrator under
27 this section, except for intentional misconduct or malfeasance.

28 SECTION 64. That Chapter 5, Title 14, Idaho Code, be, and the same is
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
30 ignated as Section 14-544, Idaho Code, and to read as follows:

31 14-544. PERIODS OF LIMITATION AND REPOSE. (1) Expiration before,
32 on or after the effective date of this act of a period of limitation on an
33 owner's right to receive or recover property, whether specified by contract,
34 statute or court order, does not prevent the property from being presumed
35 abandoned or affect the duty of a holder under this chapter to file a report
36 or pay or deliver property to the administrator.

37 (2) The administrator may not commence an action or proceeding to en-
38 force this chapter with respect to the reporting, payment or delivery of
39 property more than five (5) years after the holder filed a non-fraudulent re-
40 port under section 14-525, Idaho Code, with the administrator. The parties
41 may agree in a record to extend the limitation in this subsection.

42 (3) The administrator may not commence an action, proceeding or exam-
43 ination with respect to a duty of a holder under this chapter more than ten
44 (10) years after the duty arose.

1 SECTION 65. That Section 14-522, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 14-52245. PUBLIC SALE OF ~~ABANDONED~~ PROPERTY. (1) Subject to section
4 14-546, Idaho Code, tThe administrator may, within three (3) years after the
5 receipt of sell property presumed abandoned property, sell it to the highest
6 bidder at public sale in whatever city affords, in the judgment of the admin-
7 istrator, the most favorable market for the property involved. The admin-
8 istrator may decline the highest bid and reoffer the property for sale if in
9 the judgment of the administrator, the bid is insufficient. If in the judg-
10 ment of the administrator, the probable cost of sale exceeds the value of the
11 property, it need not be offered for sale. Any sale held under this section
12 must be preceded by a single publication of notice, at least three (3) weeks
13 in advance of sale, in a newspaper of general circulation in the county in
14 which the property is to be sold.

15 (2) ~~Securities listed on an established stock exchange must be sold at~~
16 ~~prices prevailing at the time of sale on the exchange. Other securities may~~
17 ~~be sold over the counter at prices prevailing at the time of sale or by any~~
18 ~~other method the administrator considers advisable.~~

19 ~~(3) A person making a claim under this chapter is entitled to receive~~
20 ~~either the securities delivered to the administrator by the holder, if they~~
21 ~~still remain in the hands of the administrator, or the proceeds received from~~
22 ~~the sale, less any amounts deducted pursuant to section 14-523(4), Idaho~~
23 ~~Code, but no person has any claim under this chapter against the state, the~~
24 ~~holder, any transfer agent, registrar, or other person acting for or on be-~~
25 ~~half of a holder for any appreciation in the value of the property occurring~~
26 ~~after delivery by the holder to the administrator.~~

27 ~~(4) The purchaser of property at any sale conducted by the administra-~~
28 ~~tor pursuant to this chapter takes the property free of all claims of the~~
29 ~~owner or previous holder thereof and of all persons claiming through or un-~~
30 ~~der them. The administrator shall execute all documents necessary to com-~~
31 ~~plete the transfer of ownership Before selling property under subsection (1)~~
32 ~~of this section, the administrator shall give notice to the public of:~~

33 (a) The date of the sale; and

34 (b) A reasonable description of the property.

35 (3) A sale under subsection (1) of this section must be to the highest
36 bidder:

37 (a) At public sale at a location in this state that the administrator
38 determines to be the most favorable market for the property;

39 (b) On the internet; or

40 (c) On another forum that the administrator determines is likely to
41 yield the highest net proceeds of sale.

42 (4) The administrator may decline the highest bid at a sale under this
43 section and reoffer the property for sale if the administrator determines
44 the highest bid is insufficient.

45 (5) If a sale held under this section is to be conducted other than on
46 the internet, the administrator must publish at least one (1) notice of the
47 sale at least three (3) weeks but no more than five (5) weeks before the sale
48 in a newspaper of general circulation in the county in which the property

1 is sold. Notices published pursuant to this section shall not be subject to
2 chapter 1, title 60, Idaho Code.

3 (6) Property disposed of by the administrator under this section shall
4 not be subject to the provisions of section 67-2024A, 67-5722 or 67-5732A,
5 Idaho Code.

6 SECTION 66. That Chapter 5, Title 14, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 14-546, Idaho Code, and to read as follows:

9 14-546. DISPOSAL OF SECURITIES. Securities listed on an established
10 stock exchange must be sold at prices prevailing at the time of sale on the
11 exchange. Other securities may be sold over the counter at prices prevailing
12 at the time of sale or by any other method the administrator considers advis-
13 able.

14 SECTION 67. That Chapter 5, Title 14, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 14-547, Idaho Code, and to read as follows:

17 14-547. RECOVERY OF SECURITIES OR VALUE BY OWNER. A person making a
18 claim under this chapter is entitled to receive either the securities deliv-
19 ered to the administrator by the holder, if they still remain in the hands of
20 the administrator, or the proceeds received from the sale, less any amounts
21 deducted pursuant to section 14-550(4), Idaho Code, but no person has any
22 claim under this chapter against the state, the holder, any transfer agent,
23 registrar, or other person acting for or on behalf of a holder for any appre-
24 ciation in the value of the property occurring after delivery by the holder
25 to the administrator.

26 SECTION 68. That Chapter 5, Title 14, Idaho Code, be, and the same is
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
28 ignated as Section 14-548, Idaho Code, and to read as follows:

29 14-548. PURCHASER OWNS PROPERTY AFTER SALE. A purchaser of property
30 at a sale conducted by the administrator under this chapter takes the prop-
31 erty free of all claims of the owner, a previous holder, or a person claiming
32 through the owner or holder. The administrator shall execute documents nec-
33 essary to complete the transfer of ownership to the purchaser.

34 SECTION 69. That Chapter 5, Title 14, Idaho Code, be, and the same is
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
36 ignated as Section 14-549, Idaho Code, and to read as follows:

37 14-549. MILITARY MEDAL OR DECORATION. (1) The administrator may not
38 sell a medal or decoration awarded for military service in the armed forces
39 of the United States.

40 (2) The administrator, with the consent of the respective organization
41 under paragraph (a) of this subsection, agency under paragraph (b) of this
42 subsection, or entity under paragraph (c) of this subsection, may deliver a

1 medal or decoration described in subsection (1) of this section to be held in
2 custody for the owner to:

- 3 (a) A military veterans organization qualified under 26 U.S.C.
4 501(c)(19);
5 (b) The agency that awarded the medal or decoration; or
6 (c) A governmental entity.
7 (3) On delivery under subsection (2) of this section, the administrator
8 is not responsible for safekeeping the medal or decoration.

9 SECTION 70. That Section 14-523, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 14-52350. DISPOSITION OF MONEY RECEIVED. (1) All money received under
12 this chapter, including the proceeds from the sale of property under section
13 14-52245, Idaho Code, shall be deposited in the unclaimed property account.

14 (2) Moneys in the unclaimed property account are subject to redemption
15 by the owner as follows:

16 (a) All moneys designated by law for escheatment to the public school
17 permanent endowment fund created pursuant to section 4, article IX, of
18 the constitution of the state of Idaho may be redeemed by the owner, upon
19 satisfaction of the requirements for redemption established in rule by
20 the administrator, if claimed within a period of ten (10) years from the
21 date the property is subject to the custody of the state under this chap-
22 ter. Upon the conclusion of such redemption period, unredeemed moneys
23 shall escheat to the public school permanent endowment fund-; i

24 (b) Moneys submitted from unnamed owners may be designated as unre-
25 deemable after a period of ten (10) years upon satisfaction of the
26 requirements for designation as unredeemable established in rule by the
27 administrator-; and

28 (c) All other moneys in the unclaimed property account may be redeemed
29 by the owner upon satisfaction of the requirements for redemption es-
30 tablished in rule by the administrator.

31 (3) Moneys in the unclaimed property account shall be distributed as
32 follows:

33 (a) All moneys designated by law for distribution to the public school
34 permanent endowment fund shall be transferred from the unclaimed prop-
35 erty account to the public school permanent endowment fund upon the ex-
36 piration of the period provided in this section for the owner to redeem
37 such moneys-; and

38 (b) The state treasurer shall transfer all moneys designated as unre-
39 deemable to the general fund at the end of each fiscal year.

40 (4) All money in the unclaimed property account is hereby continu-
41 ously appropriated to the state treasurer, without regard to fiscal years,
42 for expenditure in accordance with law in carrying out and enforcing the
43 provisions of this chapter, including, but not limited to, the following
44 purposes:

45 (a) For payment of claims allowed by the state treasurer under the pro-
46 visions of this chapter-; i

47 (b) For refund to the person making such deposit of amounts, including
48 overpayments, deposited in error in such account-; i

1 (c) For payment of the cost of appraisals incurred by the state trea-
2 surer covering property held in the name of the account-;i

3 (d) For payment of the cost incurred by the state treasurer for the
4 purchase of lost instrument indemnity bonds, or for payment to the
5 person entitled thereto, for any unpaid lawful charges or costs ~~which~~
6 that arose from holding any specific property or any specific funds
7 ~~which that~~ were delivered or paid to the state treasurer, or ~~which that~~
8 arose from complying with this chapter with respect to such property or
9 funds-;i

10 (e) For payment of amounts required to be paid by the state as trustee,
11 bailee, or successor in interest to the preceding owner-;i

12 (f) For payment of costs of official advertising in connection with the
13 sale of property held in the name of the account-;i

14 (g) For transfer to the general fund as provided in subsection (3) of
15 this section-;i

16 (h) For transfer to the public school permanent endowment fund as pro-
17 vided in subsection (3) of this section;

18 (i) For expenses related to disposition of property delivered to the
19 administrator under this chapter;

20 (j) For costs of mailing and publication in connection with property
21 delivered to the administrator under this chapter;

22 (k) For expenses incurred in examining records of or collecting prop-
23 erty from a putative holder or holder;

24 (l) For reasonable service charges; and

25 (m) For expenses arising from legal proceedings under section 14-538 or
26 14-574, Idaho Code.

27 (5) At the end of each fiscal year, or more often, if he or she deems
28 it advisable, the state treasurer shall transfer all money in the unclaimed
29 property account in excess of ~~two~~ five hundred ~~fifty~~ thousand dollars
30 (\$~~250,000~~500,000) to the general fund. Within sixty (60) days of making
31 this transfer or of receiving a report of unclaimed property, whichever is
32 earlier, the administrator shall record the name and last known address, if
33 available, of each person identified as the apparent owner of the unclaimed
34 property in the unclaimed property account or transferred to the general
35 fund. The record shall be available for public review on the state trea-
36 surer's website.

37 SECTION 71. That Chapter 5, Title 14, Idaho Code, be, and the same is
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
39 ignated as Section 14-551, Idaho Code, and to read as follows:

40 14-551. ADMINISTRATOR TO RETAIN RECORDS OF PROPERTY. (1) The admin-
41 istrator shall:

42 (a) Record and retain the name and last known address of each person
43 shown on a report filed under section 14-525, Idaho Code, to be the ap-
44 parent owner of property delivered to the administrator;

45 (b) Record and retain the name and last known address of each insured or
46 annuitant and beneficiary shown on the report;

47 (c) For each policy of insurance or annuity contract listed in the re-
48 port of an insurance company, record and retain the policy or account

1 number, the name of the company, and the amount due or paid shown on the
2 report;

3 (d) For each apparent owner listed in the report, record and retain the
4 name of the holder that filed the report and the amount due or paid; and

5 (e) Maintain records sufficient to indicate the filing of reports re-
6 quired under section 14-525, Idaho Code, and the payment or delivery of
7 property to the administrator under section 14-537, Idaho Code.

8 (2) Records created or maintained pursuant to this section shall be
9 subject to the requirements of chapter 1, title 74, Idaho Code.

10 SECTION 72. That Chapter 5, Title 14, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 14-552, Idaho Code, and to read as follows:

13 14-552. ADMINISTRATOR HOLDS PROPERTY AS CUSTODIAN FOR OWNER. Property
14 received by the administrator under this chapter is held in custody for the
15 benefit of the owner and is not owned by the state.

16 SECTION 73. That Chapter 5, Title 14, Idaho Code, be, and the same is
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
18 ignated as Section 14-553, Idaho Code, and to read as follows:

19 14-553. CLAIM OF ANOTHER STATE TO RECOVER PROPERTY. (1) If the admin-
20 istrator knows that property held by the administrator under this chapter is
21 subject to a superior claim of another state, the administrator shall:

22 (a) Report and pay or deliver the property to the other state; or

23 (b) Return the property to the holder so that the holder may pay or de-
24 liver the property to the other state.

25 (2) The administrator is not required to enter into an agreement to
26 transfer property to the other state under subsection (1) of this section.

27 SECTION 74. That Section 14-525, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 ~~14-525~~54. CLAIM OF WHEN PROPERTY SUBJECT TO RECOVERY BY ANOTHER STATE
30 ~~TO RECOVER PROPERTY -- PROCEDURE.~~ (1) At any time after pProperty has been
31 paid or delivered to the administrator held under this chapter, by the admin-
32 istrator is subject to the right of another state may recover to take custody
33 of the property if:

34 (a) The property was subjected paid or delivered to custody by this
35 state the administrator because the records of the holder did not re-
36 flect the a last known address in the other state of the apparent owner
37 when the property was presumed abandoned under this chapter,; and

38 (i) ~~u~~The other state establishes that the last known address of
39 the apparent owner or other person entitled to the property was in
40 that the other state and,; or

41 (ii) ~~u~~Under the laws of ~~that~~ the other state, the property
42 escheated to or was has become subject to a claim by the other state
43 of abandonment by that state;

44 (b) The records of the holder did not accurately identify the owner of
45 the property, the last known address of the apparent owner or other per-

1 ~~son entitled to the property, as reflected by the records of the holder,~~
 2 ~~is was in the other another state and, under the laws of that the other~~
 3 ~~state, the property has escheated to or become subject to a claim by the~~
 4 ~~other state of abandonment by that state;~~

5 ~~(c) The records of the holder were erroneous in that they did not accu-~~
 6 ~~rately reflect the actual owner of the property and the last known ad-~~
 7 ~~dress of the actual owner is in the other state and under the laws of that~~
 8 ~~state the property escheated to or was subject to a claim of abandonment~~
 9 ~~by that state;~~

10 ~~(d) The property was subjected subject to custody by of the adminis-~~
 11 ~~trator of this state under section 14-503(3)(b)522, Idaho Code, and~~
 12 ~~under the laws of the state of domicile of the holder, the property has~~
 13 ~~escheated to or become subject to a claim of abandonment by that the~~
 14 ~~state of domicile of the holder of abandonment; or~~

15 ~~(ed) The property:~~

16 ~~(i) is the Is a sum payable on a travelers traveler's check, money~~
 17 ~~order, or other similar instrument that was subjected to custody~~
 18 ~~by this state under section 14-504, Idaho Code, and the instrument~~
 19 ~~was purchased in the other state, and delivered to the administra-~~
 20 ~~tor under section 14-523, Idaho Code; and~~

21 ~~(ii) Under the laws of that the other state the property escheated~~
 22 ~~to or became, has become subject to a claim by the other state of~~
 23 ~~abandonment by that state.~~

24 (2) ~~The A claim of by another state to recover escheated or abandoned~~
 25 ~~property under this section must be presented in a form prescribed by the ad-~~
 26 ~~ministrator, who shall decide the claim within ninety (90) days after it is~~
 27 ~~presented. The administrator shall allow the claim if he determines that~~
 28 ~~the other state is entitled to the abandoned property under subsection (1) of~~
 29 ~~this section unless the administrator waives presentation of the form.~~

30 (3) ~~The administrator shall decide a claim under this section no later~~
 31 ~~than ninety (90) days after it is presented. If the administrator determines~~
 32 ~~that the other state is entitled under subsection (1) of this section to cus-~~
 33 ~~tody of the property, the administrator shall allow the claim and pay or de-~~
 34 ~~liver the property to the other state.~~

35 (4) ~~The administrator shall may require a another state, before recov-~~
 36 ~~ering property under this section, to agree to indemnify this state and its~~
 37 ~~agents, officers and employees against any liability on a claim for to the~~
 38 ~~property.~~

39 SECTION 75. That Section 14-524, Idaho Code, be, and the same is hereby
 40 amended to read as follows:

41 14-52455. ~~FILING OF CLAIM WITH ADMINISTRATOR CLAIM FOR PROPERTY BY~~
 42 ~~PERSON CLAIMING TO BE OWNER. (1) A person, excluding another state, claim-~~
 43 ~~ing an interest in any property paid or delivered to the administrator, may~~
 44 ~~file a claim on a form prescribed by the administrator and verified by the~~
 45 ~~claimant claiming to be the owner of property held under this chapter or the~~
 46 ~~proceeds from the sale thereof by the administrator may file a claim for the~~
 47 ~~property on a form prescribed by the administrator. The claimant must verify~~
 48 ~~the claim's completeness and accuracy.~~

1 (2) The administrator shall consider each claim within ninety (90) days
 2 after it is filed and give written notice to the claimant if the claim is de-
 3 nied in whole or in part. The ninety (90) day time period may be extended by
 4 the claimant and the administrator upon their written agreement. The notice
 5 may be given by mailing it to the last address, if any, stated in the claim
 6 as the address to which notices are to be sent. If no address for notices is
 7 stated in the claim, the notice may be mailed to the last address, if any, of
 8 the claimant as stated in the claim. No notice of denial need be given if the
 9 claim fails to state either the last address to which notices are to be sent
 10 or the address of the claimant.

11 (3) If a claim is allowed:

12 (a) Except upon election of donation as authorized in subsection (3) (c)
 13 of this section, the administrator shall pay over or deliver to the
 14 claimant the property or the amount the administrator actually received
 15 or the net proceeds, if it has been sold by the administrator, together
 16 with any additional amount required by section 14-521, Idaho Code.

17 (b) If the property claimed was interest-bearing to the owner on the
 18 date of surrender by the holder, the administrator also shall pay inter-
 19 est at a rate of five percent (5%) a year or any lesser rate the property
 20 earned while in the possession of the holder. Interest begins to accrue
 21 when the property is delivered to the administrator and ceases on the
 22 earlier of the expiration of ten (10) years after delivery or the date on
 23 which payment is made to the owner.

24 (c) As directed by the claimant, the administrator shall pay over or de-
 25 liver any property, proceeds, interest and other sums payable pursuant
 26 to this chapter to one (1) or more of the following: the general fund
 27 of the state of Idaho defined in section 67-1205, Idaho Code; the pub-
 28 lic school permanent endowment fund created pursuant to section 4, ar-
 29 ticle IX, of the constitution of the state of Idaho; the veterans ceme-
 30 tery maintenance fund created pursuant to section 65-107, Idaho Code;
 31 or the park and recreation capital improvement account created pursuant
 32 to section 57-1801, Idaho Code.

33 (4) Any holder who pays the owner for property that has been delivered
 34 to the state and which, if claimed from the administrator, would be subject
 35 to the provisions of subsection (3) (b) of this section, shall add interest
 36 as provided in subsection (3) (b). The added interest must be repaid to the
 37 holder by the administrator in the same manner as the principal.

38 (5) A person claiming an abandoned utility deposit under section
 39 14-508(1), Idaho Code, who is entitled thereto under this section, which was
 40 not deposited with the administrator under section 14-508(2), Idaho Code,
 41 may file a claim on a form prescribed by the administrator and verified by
 42 the claimant. The administrator will forward the claim to the utility com-
 43 pany, who shall remit such payment to the claimant upon receipt of the claim
 44 may waive the requirement in subsection (1) of this section and may pay or
 45 deliver property directly to a person if:

46 (a) The person receiving the property or payment is shown to be the
 47 apparent owner included on a report filed under section 14-525, Idaho
 48 Code;

49 (b) The administrator reasonably believes the person is entitled to re-
 50 ceive the property or payment; and

1 (c) The property has a value of less than that established by the admin-
 2 istrator in rule.

3 SECTION 76. That Chapter 5, Title 14, Idaho Code, be, and the same is
 4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 5 ignated as Section 14-556, Idaho Code, and to read as follows:

6 14-556. WHEN ADMINISTRATOR MUST HONOR CLAIM FOR PROPERTY. (1) The
 7 administrator shall pay or deliver property to a claimant under section
 8 14-555, Idaho Code, if the administrator receives a complete claim providing
 9 evidence sufficient to establish to the satisfaction of the administrator
 10 that the claimant is the owner of the property.

11 (2) A claim is complete when a claimant has provided all the informa-
 12 tion and documentation requested by the administrator as necessary to estab-
 13 lish legal ownership and such information or documentation is entered into
 14 the administrator's unclaimed property system.

15 (3) Unless extended by the administrator for reasonable cause, no later
 16 than ninety (90) days after a claim is complete, the administrator shall al-
 17 low or deny the claim and give the claimant notice in a record of the deci-
 18 sion. The notice may be given by mailing it to the address, if any, stated in
 19 the claim as the address to which notices are to be sent. If no address for
 20 notices is stated in the claim, the notice may be mailed to the address, if
 21 any, of the claimant as stated in the claim. No notice of denial need be given
 22 if the claim fails to state either the last address to which notices are to be
 23 sent or the address of the claimant.

24 (4) The administrator may administratively close a claim if it is not
 25 complete and the claim is inactive for at least ninety (90) days following a
 26 request for information or documentation by the administrator.

27 (5) Claims submitted to the administrator shall not be entitled to a
 28 contested case hearing.

29 (6) If the claim is denied under subsection (3) of this section:

30 (a) The administrator shall issue a recommended order under section
 31 67-5243, Idaho Code, specifying what additional evidence, if any, is
 32 required for the claim to be allowed;

33 (b) Within fourteen (14) days of the service date of the recommended or-
 34 der, the claimant may file an amended claim with the administrator. The
 35 amended claim shall be a motion for reconsideration pursuant to section
 36 67-5243(3), Idaho Code.

37 (7) If the administrator does not take action on a claim during the pe-
 38 riod set forth in subsection (3) of this section, the claim is deemed denied
 39 and the claimant may proceed under subsection (6) of this section.

40 (8) A claim that is administratively closed or is denied without action
 41 under section 14-558, Idaho Code, may be resubmitted by the claimant as a new
 42 claim.

43 SECTION 77. That Chapter 5, Title 14, Idaho Code, be, and the same is
 44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 45 ignated as Section 14-557, Idaho Code, and to read as follows:

46 14-557. ALLOWANCE OF CLAIM FOR PROPERTY. (1) If a claim is allowed un-
 47 der section 14-556(3), Idaho Code:

1 (a) Except upon election of donation as authorized in paragraph (b) of
 2 this subsection, the administrator shall pay or deliver to the owner the
 3 property or pay to the owner the net proceeds of a sale of the property,
 4 together with income or gain to which the owner is entitled under sec-
 5 tion 14-541, Idaho Code. On request of the owner, the administrator may
 6 sell or liquidate a security and pay the net proceeds to the owner, even
 7 if the security had been held by the administrator for less than three
 8 (3) years.

9 (b) As directed by the claimant, the administrator shall pay over or de-
 10 liver any property, proceeds, interest and other sums payable pursuant
 11 to this chapter to one (1) or more of the following: the general fund of
 12 the state of Idaho as defined in section 67-1205, Idaho Code; the pub-
 13 lic school permanent endowment fund created pursuant to section 4, ar-
 14 ticle IX, of the constitution of the state of Idaho; the veterans ceme-
 15 tery maintenance fund created pursuant to section 65-107, Idaho Code;
 16 or the park and recreation capital improvement account created pursuant
 17 to section 57-1801, Idaho Code.

18 (2) Property held under this chapter by the administrator is subject to
 19 a claim for the payment of an enforceable debt the owner owes in this state
 20 for:

21 (a) Child support arrearages, including child support collection costs
 22 and child support arrearages that are combined with maintenance;

23 (b) A civil or criminal fine or penalty, court costs, a surcharge or
 24 restitution imposed by a final order of an administrative agency or a
 25 final court judgment; or

26 (c) State or local taxes, penalties and interest that have been deter-
 27 mined to be delinquent or regarding which notice has been recorded with
 28 the secretary of state or state tax commission.

29 (3) Before delivery or payment to an owner under subsection (1) (a) of
 30 this section of property or payment to the owner of net proceeds of a sale
 31 of the property, the administrator shall apply the property or net proceeds
 32 first to a debt under subsection (2) of this section that the administrator
 33 determines is owed by the owner. The administrator shall pay the amount to
 34 the appropriate state or local agency and notify the owner of the payment.

35 SECTION 78. That Section 14-526, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 14-52658. ACTION TO ESTABLISH CLAIM BY PERSON WHOSE CLAIM IS DENIED. A
 38 person aggrieved by a denial of a claim by the administrator or whose claim
 39 has not been acted upon within the time provided in subsection (2) of sec-
 40 tion 14-524, Idaho Code, may obtain a redetermination as provided in sec-
 41 tion 63-3045, Idaho Code, by filing a written protest with the administra-
 42 tor within sixty-three (63) days after the denial was mailed or after the
 43 time period for issuing the denial has lapsed. Judicial review of any re-
 44 determination shall be as provided in section 63-3049, Idaho Code section
 45 14-556(3), Idaho Code, may obtain a review as provided in section 67-5224,
 46 Idaho Code, by filing a written exception with the state treasurer or his de-
 47 signee within fourteen (14) days after the service date of the recommended
 48 order, unless tolled by the filing of a motion for reconsideration pursuant
 49 to section 67-5243(3), Idaho Code, or fourteen (14) days after the time pe-

1 riod for issuing the denial has lapsed. The state treasurer or his designee
 2 shall issue a final order pursuant to section 67-5246, Idaho Code. Reconsid-
 3 eration and judicial review of any final order shall be as provided in sec-
 4 tion 67-5270, Idaho Code.

5 SECTION 79. That Chapter 5, Title 14, Idaho Code, be, and the same is
 6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 7 ignated as Section 14-559, Idaho Code, and to read as follows:

8 14-559. PAYMENT AND DELIVERY TO OWNER. Except as provided in this sec-
 9 tion and notwithstanding any provision of law requiring otherwise, includ-
 10 ing but not limited to the provisions of chapter 12, title 15, Idaho Code, the
 11 administrator shall pay or deliver property in the name of and to the owner
 12 of the property. Upon submission of evidence of appointment satisfactory
 13 to the administrator, the administrator shall pay or deliver property to a
 14 court-appointed guardian of an incapacitated person or a minor. Upon sub-
 15 mission of evidence of authority satisfactory to the administrator, the ad-
 16 ministrator shall pay or deliver property to the parent of a minor.

17 SECTION 80. That Section 14-530, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 14-5360. REQUESTS FOR REPORTS AND EXAMINATION OF RECORDS VERIFIED RE-
 20 PORTS OF PROPERTY. (1) If a person does not file a report required by sec-
 21 tion 14-525, Idaho Code, or the administrator believes that a person may have
 22 filed an inaccurate, incomplete or false report, tThe administrator may re-
 23 quire any the person who has not filed a report to file a verified report in a
 24 form prescribed by the administrator. The verified report must:

25 (1) stating State whether or not the person is holding any unclaimed
 26 property reportable or deliverable under this chapter.;

27 (2) The administrator, at reasonable times and upon reasonable notice,
 28 may examine the records of any person to determine whether the person has
 29 complied with the provisions of this chapter. The administrator may conduct
 30 the examination even if the person believes it is not in possession of any
 31 property reportable or deliverable under the provisions of this chapter.

32 (3) If a person is treated under section 14-512, Idaho Code, as the
 33 holder of the property only insofar as the interest of the business associa-
 34 tion in the property is concerned, the administrator, pursuant to subsection
 35 (2) of this section, may examine the records of the person if the administra-
 36 tor has given the notice required by subsection (2) to both the person and the
 37 business association at least ninety (90) days before the examination.

38 (4) If a holder fails to maintain the records required by section
 39 14-531, Idaho Code, and the records of the holder available for the periods
 40 subject to this chapter and insufficient to permit the preparation of a re-
 41 port, the administrator may require the holder to report and pay such amounts
 42 as may reasonably be estimated from any available records Describe property
 43 not previously reported or about which the administrator has inquired;

44 (3) Specifically identify property described under subsection (2) of
 45 this section about which there is a dispute whether it is reportable under
 46 this chapter; and

47 (4) State the amount or value of the property.

1 SECTION 81. That Chapter 5, Title 14, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 14-561, Idaho Code, and to read as follows:

4 14-561. EXAMINATION OF RECORDS TO DETERMINE COMPLIANCE. The adminis-
5 trator, at reasonable times and on reasonable notice, may:

6 (1) Examine the records of any person, including examination of appro-
7 priate records in the possession of an agent of the person under examina-
8 tion, to determine whether the person has complied with this chapter even if
9 the person believes it is not in possession of any property that must be re-
10 ported, paid or delivered under this chapter;

11 (2) Issue an administrative subpoena requiring the person or agent of
12 the person to make records available for examination; and

13 (3) Bring an action seeking judicial enforcement of the subpoena.

14 SECTION 82. That Chapter 5, Title 14, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 14-562, Idaho Code, and to read as follows:

17 14-562. RULES FOR CONDUCTING EXAMINATION. (1) The administrator
18 shall adopt rules governing procedures and standards for an examination
19 under section 14-561, Idaho Code. The rules may reference any standards
20 concerning unclaimed property examinations promulgated by the national as-
21 sociation of unclaimed property administrators and shall make provisions
22 for multistate examinations.

23 (2) After the adoption of rules under subsection (1) of this section, an
24 examination under section 14-561, Idaho Code, must be performed according to
25 the adopted rules.

26 (3) If a person subject to examination under section 14-561, Idaho
27 Code, has filed the reports required under sections 14-525 and 14-560, Idaho
28 Code, and has retained the records required by section 14-528, Idaho Code,
29 the following rules apply:

30 (a) The examination must include a review of the person's records;

31 (b) The examination may not be based on an estimate unless the person
32 expressly consents in a record to the use of an estimate; and

33 (c) The person conducting the examination shall consider the evidence
34 presented in good faith by the person in preparing the findings of the
35 examination under section 14-566, Idaho Code.

36 SECTION 83. That Chapter 5, Title 14, Idaho Code, be, and the same is
37 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
38 ignated as Section 14-563, Idaho Code, and to read as follows:

39 14-563. RECORDS OBTAINED IN EXAMINATION. Records obtained and
40 records, including work papers, compiled by the administrator in the course
41 of conducting an examination under section 14-561, Idaho Code:

42 (1) Are subject to the confidentiality and security provisions of sec-
43 tions 14-581 through 14-587, Idaho Code, and are exempt from disclosure un-
44 der chapter 1, title 74, Idaho Code;

45 (2) May be used by the administrator in an action to collect property or
46 otherwise enforce this chapter;

1 (3) May be used in a joint examination conducted with another state,
 2 the United States, a foreign country or subordinate unit of a foreign coun-
 3 try, or any other governmental entity if the governmental entity conducting
 4 the examination is legally bound to maintain the confidentiality and secu-
 5 rity of information obtained from a person subject to examination in a manner
 6 substantially equivalent to the manner set forth in sections 14-581 through
 7 14-587, Idaho Code;

8 (4) May be disclosed, on request, to the person that administers the un-
 9 claimed property law of another state for that state's use in circumstances
 10 equivalent to circumstances described in sections 14-560 through 14-569,
 11 Idaho Code, if the other state is required to maintain the confidentiality
 12 and security of information obtained in a manner substantially equivalent to
 13 the manner set forth in sections 14-581 through 14-587, Idaho Code;

14 (5) Must be produced by the administrator under an administrative or
 15 judicial subpoena or administrative or court order; and

16 (6) Must be produced by the administrator on request of the person sub-
 17 ject to the examination in an administrative or judicial proceeding relating
 18 to the property.

19 SECTION 84. That Chapter 5, Title 14, Idaho Code, be, and the same is
 20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 21 ignated as Section 14-564, Idaho Code, and to read as follows:

22 14-564. EVIDENCE OF UNPAID DEBT OR UNDISCHARGED OBLIGATION. (1) A
 23 record of a putative holder showing an unpaid debt or undischarged obliga-
 24 tion is prima facie evidence of the debt or obligation.

25 (2) A putative holder may establish by a preponderance of the evidence
 26 that there is no unpaid debt or undischarged obligation for a debt or obliga-
 27 tion described in subsection (1) of this section or that the debt or obliga-
 28 tion was not, or no longer is, a fixed and certain obligation of the putative
 29 holder.

30 (3) A putative holder may overcome prima facie evidence under subsec-
 31 tion (1) of this section by establishing by a preponderance of the evidence
 32 that a check, draft or similar instrument was:

33 (a) Issued as an unaccepted offer in settlement of an unliquidated
 34 amount;

35 (b) Issued but later was replaced with another instrument because the
 36 earlier instrument was lost or contained an error that was corrected;

37 (c) Issued to a party affiliated with the issuer;

38 (d) Paid, satisfied or discharged;

39 (e) Issued in error;

40 (f) Issued without consideration;

41 (g) Issued but there was a failure of consideration;

42 (h) Voided no later than ninety (90) days after issuance for a valid
 43 business reason set forth in a contemporaneous record; or

44 (i) Issued but not delivered to the third-party payee for a sufficient
 45 reason recorded within a reasonable time after issuance.

46 (4) In asserting a defense under this section, a putative holder may
 47 present evidence of a course of dealing between the putative holder and the
 48 apparent owner, or of custom and practice.

1 SECTION 85. That Chapter 5, Title 14, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 14-565, Idaho Code, and to read as follows:

4 14-565. FAILURE OF PERSON EXAMINED TO RETAIN RECORDS. If a person
5 subject to examination under section 14-561, Idaho Code, does not retain
6 the records required by section 14-528, Idaho Code, the administrator may
7 determine the value of property due using a reasonable method of estimation
8 based on all information available to the administrator, including extrap-
9 olation and use of statistical sampling when appropriate and necessary,
10 consistent with examination procedures and standards adopted under section
11 14-562, Idaho Code. A payment made based on estimation under this section
12 is a penalty for failure to maintain the records required by section 14-528,
13 Idaho Code, and does not relieve a person from an obligation to report and
14 deliver property to a state in which the holder is domiciled.

15 SECTION 86. That Chapter 5, Title 14, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 14-566, Idaho Code, and to read as follows:

18 14-566. REPORT TO PERSON WHOSE RECORDS WERE EXAMINED. At the conclu-
19 sion of an examination under section 14-561, Idaho Code, the administrator
20 or the administrator's agent shall provide to the person whose records were
21 examined a complete and unredacted examination report that specifies:

- 22 (1) The work performed;
- 23 (2) The property types reviewed;
- 24 (3) The methodology of any estimation technique, extrapolation or sta-
25 tistical sampling used in conducting the examination;
- 26 (4) Each calculation showing the value of property determined to be
27 due; and
- 28 (5) The findings of the person conducting the examination.

29 SECTION 87. That Chapter 5, Title 14, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 14-567, Idaho Code, and to read as follows:

32 14-567. INFORMAL CONFERENCE DURING EXAMINATION. (1) If a person sub-
33 ject to examination under section 14-561, Idaho Code, believes the person
34 conducting the examination has made an unreasonable or unauthorized request
35 or is not proceeding expeditiously to complete the examination, the person
36 in a record may request an informal conference with the administrator.

37 (2) If a person in a record requests an informal conference with the ad-
38 ministrator, the administrator shall hold the informal conference no later
39 than thirty (30) days after receiving the request. For good cause, and af-
40 ter notice in a record to the person requesting an informal conference, the
41 administrator may extend the time for the holding of an informal conference.
42 The administrator may hold the informal conference in person, by telephone
43 or by electronic means.

44 (3) If an informal conference is held under subsection (2) of this sec-
45 tion, no later than thirty (30) days after the conference ends, the adminis-
46 trator shall provide a response to the person that requested the conference.

1 (4) The administrator may deny a request for an informal conference un-
2 der this section if the administrator reasonably believes that the request
3 was made in bad faith, the request was made primarily to delay the examina-
4 tion or the person requesting the informal conference has not exhausted rea-
5 sonable efforts to resolve the issue with the person conducting the examina-
6 tion. If the administrator denies a request for an informal conference, the
7 denial shall be in a record provided to the person requesting the informal
8 conference.

9 SECTION 88. That Chapter 5, Title 14, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 14-568, Idaho Code, and to read as follows:

12 14-568. ADMINISTRATOR'S CONTRACT WITH ANOTHER TO CONDUCT EXAMI-
13 NATION. (1) The administrator may contract with a person to conduct an
14 examination under sections 14-560 through 14-569, Idaho Code.

15 (2) If the administrator contracts with a person under subsection (1)
16 of this section:

17 (a) The contract may provide for compensation of the person based on a
18 fixed fee, hourly fee or contingent fee;

19 (b) A contingent fee arrangement shall be deemed reasonable in writing
20 by the administrator; and

21 (c) On request by a person subject to examination by a contractor, the
22 administrator shall deliver to the person a copy of the contract and any
23 contract between the contractor and a person employed or engaged by the
24 contractor to conduct the examination.

25 (3) A contract under subsection (1) of this section is a public record
26 under chapter 1, title 74, Idaho Code.

27 SECTION 89. That Chapter 5, Title 14, Idaho Code, be, and the same is
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
29 ignated as Section 14-569, Idaho Code, and to read as follows:

30 14-569. DETERMINATION OF LIABILITY FOR UNREPORTED REPORTABLE PROP-
31 ERTY. Holders shall not be entitled to a contested case hearing. If the ad-
32 ministrator determines from an examination conducted under section 14-561,
33 Idaho Code, that a putative holder failed or refused to pay or deliver to the
34 administrator property that is reportable under this chapter, the adminis-
35 trator shall issue a determination of the putative holder's liability to pay
36 or deliver and give notice in a record to the putative holder of the deter-
37 mination. The administrator's determination shall be a recommended order
38 pursuant to section 67-5243(3), Idaho Code.

39 SECTION 90. That Chapter 5, Title 14, Idaho Code, be, and the same is
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
41 ignated as Section 14-570, Idaho Code, and to read as follows:

42 14-570. INFORMAL CONFERENCE. (1) No later than thirty (30) days after
43 receipt of a notice under section 14-569, Idaho Code, the putative holder may
44 request an informal conference with the administrator to review the determi-
45 nation. The request shall initiate an informal disposition pursuant to sec-

1 tion 67-5241, Idaho Code. Except as otherwise provided in this section, the
2 administrator may designate an employee to act on behalf of the administra-
3 tor.

4 (2) If a putative holder makes a timely request under subsection (1) of
5 this section for an informal conference and the administrator accepts the
6 request:

7 (a) No later than twenty (20) days after the date of the request, the
8 administrator shall set the time and place of the informal conference;

9 (b) The administrator shall give the putative holder notice in a record
10 of the time and place of the informal conference;

11 (c) The informal conference may be held in person, by telephone or by
12 electronic means, as determined by the administrator;

13 (d) The request tolls the fourteen (14) day period under section
14 14-571, Idaho Code, until notice of a decision under paragraph (f) of
15 this subsection has been given to the putative holder or the putative
16 holder withdraws the request for the informal conference;

17 (e) The informal conference may be postponed, adjourned and reconvened
18 as the administrator determines appropriate;

19 (f) The administrator or the administrator's designee with the ap-
20 proval of the administrator shall affirm, modify or withdraw the recom-
21 mended order made under section 14-569, Idaho Code, no later than twenty
22 (20) days after the informal conference ends.

23 (3) An informal conference under subsection (2) of this section is not a
24 contested case subject to chapter 52, title 67, Idaho Code, and the putative
25 holder shall not be entitled to a contested case hearing. An oath is not re-
26 quired and rules of evidence do not apply in the informal conference.

27 (4) At an informal conference under subsection (2) of this section,
28 the putative holder must be given an opportunity to confer informally with
29 the administrator and the person that examined the records of the putative
30 holder to:

31 (a) Discuss the determination made under section 14-569, Idaho Code;
32 and

33 (b) Present any issue concerning the validity of the determination.

34 (5) If the administrator fails to act within the period prescribed in
35 subsection (2) (a) or (f) of this section, the recommended order shall be
36 deemed affirmed. The failure does not affect a right of the administrator,
37 except that interest does not accrue on the amount for which the putative
38 holder was determined to be liable under section 14-569, Idaho Code, during
39 the period in which the administrator failed to act until the earlier of:

40 (a) The date under section 14-571, Idaho Code, that the putative holder
41 initiates review of the recommended order; or

42 (b) Ninety (90) days after the putative holder received notice of the
43 administrator's determination under section 14-569, Idaho Code, if no
44 review was initiated under section 14-571, Idaho Code.

45 (6) The administrator may hold an informal conference with a putative
46 holder about a determination under section 14-569, Idaho Code, without a re-
47 quest at any time before the putative holder initiates administrative review
48 under section 14-571, Idaho Code.

49 (7) Interest and penalties under section 14-575, Idaho Code, continue
50 to accrue on property not reported, paid or delivered as required by this

1 chapter after the initiation and during the pendency of an informal confer-
2 ence under this section.

3 SECTION 91. That Chapter 5, Title 14, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 14-571, Idaho Code, and to read as follows:

6 14-571. ADMINISTRATIVE AND JUDICIAL REVIEW. (1) A putative holder
7 may seek administrative review of a recommended order issued under section
8 14-569, Idaho Code, or an order affirmed or modified under section 14-570,
9 Idaho Code, as provided in section 67-5244, Idaho Code, by filing a written
10 exception with the state treasurer or his designee within fourteen (14) days
11 after the service date of the recommended order, unless tolled by the filing
12 of a request for an informal conference pursuant to section 14-570, Idaho
13 Code.

14 (2) The state treasurer or his designee shall issue a final order pur-
15 suant to section 67-5246, Idaho Code.

16 (3) Reconsideration and judicial review of any final order shall be as
17 provided in section 67-5270, Idaho Code.

18 SECTION 92. That Section 14-532, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 ~~14-5372. ENFORCEMENT -- ACTIONS TO ENFORCE UNCLAIMED PROPERTY LAW~~
21 ~~-- ADMINISTRATIVE RULES LIABILITY.~~ (1) If a determination under section
22 14-569, Idaho Code, becomes final and is not subject to administrative re-
23 view, the administrator may commence an action in state district court in Ada
24 county, Boise, Idaho, or in an appropriate court of another state to enforce
25 the determination and secure payment or delivery of past due, unpaid or unde-
26 livered property. The action must be brought no later than three (3) years
27 after the determination becomes final.

28 (2) In an action under subsection (1) of this section, if no court in
29 this state has jurisdiction over the defendant, the administrator may com-
30 mence an action in any court having jurisdiction over the defendant.

31 (3) The collection and enforcement procedures provided by the Idaho
32 income tax act, sections 63-3038, 63-3039, and 63-3042 through 63-3065A,
33 Idaho Code, but excluding section 63-3045 (7), Idaho Code, shall apply and be
34 available to the state treasurer for enforcement of the provisions of this
35 chapter, and collection of any property required to be transferred shall be
36 treated in the same manner as taxes due the state of Idaho, and wherever liens
37 or any other proceedings are defined as income tax liens or proceedings,
38 they shall, when applied in enforcement of this chapter, be described as
39 unclaimed property liens and proceedings.

40 ~~(2) The powers and duties held by the state tax commission on June 30,~~
41 ~~2010, pursuant to the provisions of subsection (1) of this section, shall~~
42 ~~for the purposes of this chapter and for the administration of the unclaimed~~
43 ~~property be deemed to be powers and duties of the state treasurer on and after~~
44 ~~July 1, 2010.~~

45 ~~(3) The administrative rules of the state tax commission in effect on~~
46 ~~June 30, 2010, for administering the provisions of this chapter shall re-~~
47 ~~main in force and effect as if promulgated by the state treasurer until new~~

1 rules are promulgated by the state treasurer and become effective pursuant
 2 to the provisions of section 67-5224, Idaho Code, at which time rules promul-
 3 gated by the state tax commission shall be deemed repealed. The state trea-
 4 surer shall have the power to promulgate administrative rules to implement
 5 the provisions of this chapter in compliance with chapter 52, title 67, Idaho
 6 Code.

7 SECTION 93. That Section 14-535, Idaho Code, be, and the same is hereby
 8 amended to read as follows:

9 14-53573. INTERSTATE AGREEMENTS AND COOPERATION -- JOINT AND RECIP-
 10 ROCAL ACTIONS WITH OTHER STATES AND INTERNATIONAL AGREEMENT AND COOPERA-
 11 TION. (1) Subject to subsection (2) of this section, tThe administrator
 12 may enter into agreements with other states to exchange information needed
 13 to enable this or another state to audit or otherwise determine unclaimed
 14 property that it or another state may be entitled to subject to a claim of
 15 custody. The administrator by rule may require the reporting of information
 16 needed to enable compliance with agreements made pursuant to this section
 17 and prescribe the form for reporting:

18 (a) Exchange information with another state or foreign country re-
 19 lating to property presumed abandoned or relating to the possible
 20 existence of property presumed abandoned; and

21 (b) Authorize in a record another state or foreign country or person
 22 acting on behalf of the other state or foreign country to examine its
 23 records of a putative holder, as provided in sections 14-560 through
 24 14-569, Idaho Code.

25 (2) ~~To avoid conflicts between the administrator's procedures and the~~
 26 ~~procedures of administrators in other jurisdictions that enact the uniform~~
 27 ~~unclaimed property act, the administrator, so far as is consistent with~~
 28 ~~the purposes, policies, and provisions of this chapter, before adopting,~~
 29 ~~amending or repealing rules, shall advise and consult with administrators in~~
 30 ~~other jurisdictions that enact substantially the uniform unclaimed property~~
 31 ~~act and take into consideration the rules of administrators in other juris-~~
 32 ~~dictions that enact the uniform unclaimed property act.~~

33 ~~(3) The administrator may join with other states to seek enforcement of~~
 34 ~~this act against any person who is or may be holding reportable property.~~

35 ~~(4) At the request of another state, the attorney general of this state~~
 36 ~~may bring an action in the name of the administrator of the other state in any~~
 37 ~~court of competent jurisdiction to enforce the unclaimed property laws of~~
 38 ~~the other state against a holder in this state of property subject to escheat~~
 39 ~~or a claim of abandonment by the other state, if the other state has agreed to~~
 40 ~~pay expenses incurred by the attorney general in bringing the action.~~

41 ~~(5) The administrator may request that the attorney general of another~~
 42 ~~state or any other person bring an action in the name of the administrator in~~
 43 ~~the other state. This state shall pay all expenses including attorney's fees~~
 44 ~~in any action under this subsection. The administrator may agree to pay the~~
 45 ~~person bringing the action attorney's fees based in whole or in part on a per-~~
 46 ~~centage of the value of any property recovered in the action. Any expenses~~
 47 ~~paid pursuant to this subsection may not be deducted from the amount that~~
 48 ~~is subject to the claim by the owner under this chapter An exchange or ex-~~
 49 ~~amination under subsection (1) of this section may be done only if the state~~

1 or foreign country has confidentiality and security requirements substan-
 2 tially equivalent to those in sections 14-581 through 14-587, Idaho Code, or
 3 agrees in a record to be bound by this state's confidentiality and security
 4 requirements.

5 SECTION 94. That Chapter 5, Title 14, Idaho Code, be, and the same is
 6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 7 ignated as Section 14-574, Idaho Code, and to read as follows:

8 14-574. ACTION INVOLVING ANOTHER STATE OR FOREIGN COUNTRY. (1) The
 9 administrator may join another state or foreign country to examine and seek
 10 enforcement of this chapter against a putative holder.

11 (2) On request of another state or foreign country, the attorney gen-
 12 eral may commence an action on behalf of the other state or foreign country to
 13 enforce, in this state, the law of the other state or foreign country against
 14 a putative holder subject to a claim by the other state or foreign country.

15 (3) The administrator may request the official authorized to enforce
 16 the unclaimed property law of another state or foreign country to commence an
 17 action to recover property in the other state or foreign country on behalf of
 18 the administrator. This state may pay the costs, including reasonable at-
 19 torney's fees and expenses, incurred by the other state or foreign country in
 20 an action under this subsection.

21 (4) The administrator may pursue an action on behalf of this state to
 22 recover property subject to this chapter but delivered to the custody of an-
 23 other state if the administrator believes the property is subject to the cus-
 24 tody of the administrator.

25 (5) At the request of the administrator, the attorney general may com-
 26 mence an action to recover property on behalf of the administrator in this
 27 state, another state or a foreign country. With the written consent of the
 28 attorney general, the administrator may retain an attorney in this state,
 29 another state or a foreign country to recover property on behalf of the ad-
 30 ministrator in this state, another state or a foreign country and may agree
 31 to pay attorney's fees based in whole or in part on a fixed fee, hourly fee or
 32 a percentage of the amount or value of property recovered in the action.

33 (6) Expenses incurred by this state in an action under this section may
 34 be paid from property received under this chapter or the net proceeds of the
 35 property. Expenses paid to recover property may not be deducted from the
 36 amount that is subject to a claim under this chapter by the owner.

37 SECTION 95. That Section 14-533, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 14-53375. INTEREST AND PENALTIES PENALTY FOR FAILURE TO ACT IN A
 40 TIMELY MANNER. (1) ~~Upon the administrator's showing by a preponderance of~~
 41 ~~evidence that a~~ holder has failed that fails to report, pay or deliver prop-
 42 erty within the time prescribed in this chapter, ~~the holder~~ shall pay to the
 43 administrator interest at ~~the~~ an annual rate of twelve percent (12%) on the
 44 property or value ~~thereof~~ of the property from the date the property should
 45 have been reported, paid or delivered to the administrator until ~~actual de-~~
 46 ~~livery is made~~ the date reported, paid or delivered.

1 ~~(2) Upon the administrator's showing by a preponderance of evidence~~
 2 ~~that Except as otherwise provided in section 14-576 or 14-577, Idaho Code,~~
 3 ~~the administrator may require a holder has negligently failed that fails to~~
 4 ~~report, pay or deliver property within the time prescribed in this chapter,~~
 5 ~~the holder shall to pay to the administrator, in addition to interest in-~~
 6 ~~cluded under subsection (1) of this section, a civil penalty at the annual~~
 7 ~~rate of five percent (5%) on the property or value thereof from the date the~~
 8 ~~property should have been paid or delivered until actual delivery is made~~
 9 ~~unless the holder demonstrates to the satisfaction of the administrator that~~
 10 ~~the failure was due to reasonable cause and not neglect of two hundred dol-~~
 11 ~~lars (\$200) for each day the duty is not performed, up to a cumulative maximum~~
 12 ~~amount of five thousand dollars (\$5,000).~~

13 ~~(3) A holder who willfully refuses after written demand by the admin-~~
 14 ~~istrator to pay or deliver property as required under this chapter shall be~~
 15 ~~guilty of a misdemeanor and upon conviction may be punished by a fine of not~~
 16 ~~less than three hundred dollars (\$300) nor more than three thousand dollars~~
 17 ~~(\$3,000).~~

18 ~~(4) Upon a showing that a holder of property presumed to be abandoned or~~
 19 ~~unclaimed has acted in good faith and without negligence to comply with the~~
 20 ~~accurate reporting requirements of section 14-517, Idaho Code, the adminis-~~
 21 ~~trator may waive, in whole or in part, interest pursuant to subsection (1) of~~
 22 ~~this section and penalties pursuant to subsection (2) of this section.~~

23 SECTION 96. That Chapter 5, Title 14, Idaho Code, be, and the same is
 24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 25 ignated as Section 14-576, Idaho Code, and to read as follows:

26 14-576. OTHER CIVIL PENALTIES. (1) If a holder enters into a contract
 27 or other arrangement for the purpose of evading an obligation under this
 28 chapter or otherwise willfully fails to perform a duty imposed on the holder
 29 under this chapter, the administrator may require the holder to pay the
 30 administrator, in addition to interest as provided in section 14-575(1),
 31 Idaho Code, a civil penalty of one thousand dollars (\$1,000) for each day the
 32 obligation is evaded or the duty is not performed, up to a cumulative maximum
 33 amount of twenty-five thousand dollars (\$25,000), plus twenty-five percent
 34 (25%) of the amount or value of property that should have been but was not
 35 reported, paid or delivered as a result of the evasion or failure to perform.

36 (2) If a holder makes a fraudulent report under this chapter, the ad-
 37 ministrator may require the holder to pay to the administrator, in addition
 38 to interest under section 14-575(1), Idaho Code, a civil penalty of one
 39 thousand dollars (\$1,000) for each day from the date the report was made
 40 until corrected, up to a cumulative maximum of twenty-five thousand dollars
 41 (\$25,000), plus twenty-five percent (25%) of the amount or value of any prop-
 42 erty that should have been reported but was not included in the report or was
 43 underreported.

44 SECTION 97. That Chapter 5, Title 14, Idaho Code, be, and the same is
 45 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 46 ignated as Section 14-577, Idaho Code, and to read as follows:

1 14-577. WAIVER OF INTEREST AND PENALTY. If the administrator deter-
 2 mines that the holder acted in good faith and without negligence, the admin-
 3 istrator may waive, in whole or in part, interest under section 14-575(1),
 4 Idaho Code, or penalties under section 14-575(2) or 14-576, Idaho Code, or
 5 both.

6 SECTION 98. That Section 14-536, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 ~~14-53678.~~ WHEN AGREEMENT TO LOCATE REPORTED PROPERTY ENFORCEABLE. All
 9 ~~agreements to pay compensation to recover or assist in the recovery of prop-~~
 10 ~~erty reported under section 14-517, Idaho Code, made within twenty-four (24)-~~
 11 ~~months after the date payment or delivery is made under section 14-519, Idaho~~
 12 ~~Code, are unenforceable~~ (1) The administrator is not bound by an agreement
 13 between an apparent owner and another person, the primary purpose of which is
 14 to locate, deliver, recover or assist in the location, delivery or recovery
 15 of property held by the administrator.

16 (2) An agreement by an apparent owner and another person, the primary
 17 purpose of which is to locate, deliver, recover or assist in the location,
 18 delivery or recovery of property held by the administrator, is enforceable
 19 between the parties only if the agreement:

20 (a) Is in a record that clearly states the nature of the property and the
 21 services to be provided;

22 (b) Is signed by or on behalf of the apparent owner; and

23 (c) States the amount or value of the property reasonably expected to be
 24 recovered, computed before and after a fee or other compensation to be
 25 paid to the person has been deducted.

26 SECTION 99. That Chapter 5, Title 14, Idaho Code, be, and the same is
 27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 28 ignated as Section 14-579, Idaho Code, and to read as follows:

29 14-579. WHEN AGREEMENT TO LOCATE PROPERTY VOID. (1) Subject to sub-
 30 section (2) of this section, an agreement under section 14-578, Idaho Code,
 31 is void if it is entered into during the period beginning on the date the
 32 property was paid or delivered by a holder to the administrator and ending
 33 twenty-four (24) months after the payment or delivery.

34 (2) If a provision in an agreement described in subsection (1) of this
 35 section applies to mineral proceeds for which compensation is to be paid to
 36 the other person based in whole or in part on any underlying minerals or min-
 37 eral proceeds not then presumed abandoned, the provision is void regardless
 38 of when the agreement was entered into.

39 (3) An agreement under subsection (1) of this section that provides for
 40 compensation in an amount that is unconscionable is unenforceable except by
 41 the apparent owner. Either, an apparent owner who believes the compensation
 42 agreed to is unconscionable or the administrator, acting on behalf of an ap-
 43 parent owner, or both, may file an action in any court of competent juris-
 44 diction to reduce the compensation to the maximum amount that is not uncon-
 45 scionable. On the final determination of an action filed under this subsec-
 46 tion, the court may, on application, award the plaintiff reasonable attor-
 47 ney's fees, costs and expenses of litigation.

1 (4) An apparent owner or the administrator may assert that an agreement
2 described in this section is void on a ground other than that it provides for
3 payment of unconscionable compensation.

4 (5) This section does not apply to an apparent owner's agreement with an
5 attorney to pursue a claim for recovery of specifically identified property
6 held by the administrator or to contest the administrator's denial of a claim
7 for recovery of the property.

8 SECTION 100. That Chapter 5, Title 14, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 14-580, Idaho Code, and to read as follows:

11 14-580. RIGHT OF AGENT OF APPARENT OWNER TO INFORMATION CONCERNING
12 PROPERTY HELD BY ADMINISTRATOR. (1) Subject to the provisions of section
13 14-559, Idaho Code, an apparent owner may authorize an attorney to act as an
14 agent or designate an agent pursuant to the provisions of chapter 12, title
15 15, Idaho Code.

16 (2) Upon submission of evidence of authority satisfactory to the ad-
17 ministrator, the administrator shall give the agent of the apparent owner, a
18 court-appointed guardian of the apparent owner, or the parent of a minor all
19 information concerning the property that the apparent owner is entitled to
20 receive, including information that otherwise is confidential under section
21 14-582, Idaho Code.

22 SECTION 101. That Chapter 5, Title 14, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 14-581, Idaho Code, and to read as follows:

25 14-581. DEFINITION -- APPLICABILITY. (1) In sections 14-581 through
26 14-587, Idaho Code, "personal information" means:

27 (a) Information that identifies or reasonably can be used to identify
28 an individual, such as first and last name, in combination with the in-
29 dividual's:

30 (i) Social security number or other government-issued number or
31 identifier;

32 (ii) Date of birth;

33 (iii) Home or physical address;

34 (iv) Electronic mail address or other online contact information
35 or internet provider address;

36 (v) Financial account number or credit or debit card number;

37 (vi) Biometric data, health or medical data, or insurance infor-
38 mation; or

39 (vii) Passwords or other credentials that permit access to an on-
40 line or other account;

41 (b) Personally identifiable financial or insurance information, in-
42 cluding nonpublic personal information defined by applicable federal
43 law; and

44 (c) Any combination of data that, if accessed, disclosed, modified or
45 destroyed without authorization of the owner of the data or if lost or
46 misused, would require notice or reporting under sections 28-51-104
47 through 28-51-107, Idaho Code, and federal privacy and data security

1 law, whether or not the administrator or the administrator's agent is
2 subject to the law.

3 (2) A provision of sections 14-581 through 14-587, Idaho Code, that ap-
4 plies to the administrator or the administrator's records applies to an ad-
5 ministrator's agent.

6 SECTION 102. That Chapter 5, Title 14, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 14-582, Idaho Code, and to read as follows:

9 14-582. CONFIDENTIAL INFORMATION. (1) Except as otherwise provided
10 in this chapter, all information exempt from disclosure pursuant to chapter
11 1, title 74, Idaho Code, shall be confidential.

12 (2) A record or other information that is confidential under the law of
13 this state, other than this chapter, another state, or the United States con-
14 tinues to be confidential when disclosed or delivered under this chapter to
15 the administrator or the administrator's agent.

16 SECTION 103. That Chapter 5, Title 14, Idaho Code, be, and the same is
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
18 ignated as Section 14-583, Idaho Code, and to read as follows:

19 14-583. WHEN CONFIDENTIAL INFORMATION MAY BE DISCLOSED. (1) When rea-
20 sonably necessary to enforce or implement this chapter, the administrator
21 may disclose confidential information concerning property held by the ad-
22 ministrator or the administrator's agent only to:

23 (a) An apparent owner or the apparent owner's personal representative,
24 attorney, other legal representative, relative or agent designated un-
25 der section 14-580, Idaho Code, to have the information;

26 (b) The personal representative, executor, other legal representa-
27 tive, relative of a deceased apparent owner, agent designated under
28 section 14-580, Idaho Code, by the deceased apparent owner, or a person
29 entitled to inherit from the deceased apparent owner;

30 (c) Another department or agency of this state or of the United States;

31 (d) The person that administers the unclaimed property law of another
32 state, if the other state accords substantially reciprocal privileges
33 to the administrator of this state, if the other state is required to
34 maintain the confidentiality and security of information obtained in
35 a manner substantially equivalent to the manner set forth in sections
36 14-581 through 14-587, Idaho Code;

37 (e) A person subject to an examination as required by section
38 14-563(6), Idaho Code.

39 (2) Except as otherwise provided in section 14-582(1), Idaho Code, the
40 administrator shall include on the website or in the database required by
41 section 14-533(2)(b), Idaho Code, the name of each apparent owner of prop-
42 erty held by the administrator. The administrator may include in published
43 notices, printed publications, telecommunications, the internet, or other
44 media and on the website or in the database additional information concern-
45 ing the apparent owner's property if the administrator believes the informa-
46 tion will assist in identifying and returning property to the owner and does

1 not disclose personal information except the home or physical address of an
2 apparent owner.

3 (3) The administrator and the administrator's agent may not use con-
4 fidential information provided to them or in their possession except as ex-
5 pressly authorized by this chapter or required by law other than this chap-
6 ter.

7 SECTION 104. That Chapter 5, Title 14, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 14-584, Idaho Code, and to read as follows:

10 14-584. CONFIDENTIALITY AGREEMENT. A person to be examined under sec-
11 tion 14-561, Idaho Code, may require, as a condition of disclosure of the
12 records of the person to be examined, that the administrator or the adminis-
13 trator's agent execute and deliver to the person to be examined a confiden-
14 tiality agreement that:

15 (1) Is in a form that is reasonably satisfactory to the administrator;
16 and

17 (2) Requires the person having access to the records to comply with the
18 provisions of sections 14-581 through 14-587, Idaho Code, applicable to the
19 person.

20 SECTION 105. That Chapter 5, Title 14, Idaho Code, be, and the same is
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
22 ignated as Section 14-585, Idaho Code, and to read as follows:

23 14-585. NO CONFIDENTIAL INFORMATION IN NOTICE. Except as otherwise
24 provided in sections 14-531 and 14-532, Idaho Code, a holder is not required
25 under this chapter to include confidential information in a notice that the
26 holder is required to provide to an apparent owner under this chapter.

27 SECTION 106. That Chapter 5, Title 14, Idaho Code, be, and the same is
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
29 ignated as Section 14-586, Idaho Code, and to read as follows:

30 14-586. SECURITY OF INFORMATION. (1) If a holder is required to in-
31 clude confidential information in a report to the administrator, the infor-
32 mation must be provided by a secure means.

33 (2) If confidential information in a record is provided to and main-
34 tained by the administrator or the administrator's agent as required by this
35 chapter, the administrator or agent shall:

36 (a) Implement administrative, technical and physical safeguards to
37 protect the security, confidentiality and integrity of the information
38 required by the laws of this state and federal privacy and data security
39 law;

40 (b) Protect against reasonably anticipated threats or hazards to the
41 security, confidentiality, or integrity of the information; and

42 (c) Protect against unauthorized access to or use of the information
43 that could result in substantial harm or inconvenience to a holder or
44 the holder's customers, including insureds, annuitants, and policy or
45 contract owners and their beneficiaries.

- 1 (3) The administrator shall:
2 (a) Implement the date and information security plans adopted by the
3 state; and
4 (b) Ensure that an administrator's agent adopts and implements an ap-
5 propriate plan with respect to confidential information in the agent's
6 possession.
7 (4) The administrator and the administrator's agent shall educate and
8 train their employees regarding the plan adopted under subsection (3) of
9 this section.
10 (5) The administrator and the administrator's agent shall, in a secure
11 manner, return or destroy all confidential information no longer reasonably
12 needed under this chapter.

13 SECTION 107. That Chapter 5, Title 14, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 14-587, Idaho Code, and to read as follows:

16 14-587. SECURITY BREACH. Except to the extent prohibited by law other
17 than this chapter, the administrator or the administrator's agent shall no-
18 tify a holder of a security breach of computerized information in accordance
19 with the provisions of chapter 51, title 28, Idaho Code.

20 SECTION 108. That Section 14-534, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 14-534~~88~~. STATE HISTORICAL SOCIETY USE OF PROPERTY. The director of
23 the state historical society may examine any tangible personal property
24 delivered to the state treasurer under this chapter for purposes of de-
25 termining whether such property is of sufficient historical value that it
26 should be preserved. If he so determines, the state treasurer may deliver
27 such property to the state historical society for preservation and display,
28 until such time as the owner shall make claim for return of such property.

29 SECTION 109. That Chapter 5, Title 14, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 14-589, Idaho Code, and to read as follows:

32 14-589. TRANSITIONAL PROVISION. (1) An initial report filed under
33 this chapter for property that was not required to be reported before the ef-
34 fective date of this act, but that is required to be reported under this act,
35 must include all items of property that would have been presumed abandoned
36 during the ten (10) year period preceding the effective date of this act as if
37 this act had been in effect during that period.

38 (2) This act does not relieve a holder of a duty that arose before the
39 effective date of this act to report, pay, or deliver property. Subject to
40 section 14-544(2) and (3), Idaho Code, a holder that did not comply with the
41 law governing unclaimed property before the effective date of this act is
42 subject to applicable provisions for enforcement and penalties in effect be-
43 fore the effective date of this act.

1 SECTION 110. That Chapter 5, Title 14, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 14-590, Idaho Code, and to read as follows:

4 14-590. SEVERABILITY. If any provision of this chapter or its applica-
5 tion to any person or circumstance is held invalid, the invalidity does not
6 affect other provisions or applications of this chapter which can be given
7 effect without the invalid provision or application, and to this end the pro-
8 visions of this chapter are severable.

9 SECTION 111. That Section 14-113, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 14-113. UNCLAIMED MONEYS -- PAYMENT INTO PUBLIC SCHOOL PERMANENT
12 ENDOWMENT FUND -- ESCHEAT. After a final settlement of the affairs of any
13 estate, if there be no heirs or other claimants thereof, the administrator
14 shall submit a report of abandoned property and proceed to dispose of the
15 property in a manner set forth in the uniform unclaimed property act in chap-
16 ter 5, title 14, Idaho Code, provided that such property shall be identified
17 by the public administrator as ~~section 14-113~~ abandoned property pursuant to
18 this section. The state treasurer shall distribute the moneys to the public
19 school permanent endowment fund created pursuant to section 4, article IX,
20 of the constitution of the state of Idaho upon expiration of the period for
21 redemption of the property pursuant to section ~~14-523~~ 14-550(2)(a), Idaho
22 Code.

23 SECTION 112. That Section 15-3-914, Idaho Code, be, and the same is
24 hereby amended to read as follows:

25 15-3-914. DISPOSITION OF UNCLAIMED ASSETS. If an heir, devisee or
26 claimant cannot be found, the personal representative shall distribute the
27 share of the missing person to his trustee if one has been appointed or, if
28 no trustee has been appointed, shall file the report of abandoned property
29 required by section ~~14-517~~ 14-525, Idaho Code, and deliver the property in
30 the manner set forth in section ~~14-519~~ 14-537, Idaho Code.

31 SECTION 113. That Section 41-3002, Idaho Code, be, and the same is
32 hereby amended to read as follows:

33 41-3002. INSURER CONDUCT. (1) An insurer shall perform a comparison
34 of its insureds' in-force policies, contracts and retained asset accounts
35 against a death master file, on at least a semiannual basis, by using the
36 full death master file once and thereafter using the death master file up-
37 date files for future comparisons to identify potential matches of its in-
38 sureds. For those potential matches identified as a result of death master
39 file match, the insurer shall:

40 (a) Within ninety (90) days of a death master file match:

41 (i) Complete a good faith effort, which shall be documented by
42 the insurer, to confirm the death of the insured, annuity owner or
43 retained asset account holder against other available records and
44 information;

- 1 (ii) Determine whether benefits are due in accordance with the ap-
 2 plicable policy or contract; and
- 3 (iii) If benefits are due in accordance with the applicable policy
 4 or contract, use good faith efforts, which shall be documented by
 5 the insurer, to locate the beneficiary or beneficiaries and pro-
 6 vide the appropriate claims forms or instructions to the benefi-
 7 ciary or beneficiaries to make a claim including the need to pro-
 8 vide an official death certificate, if applicable under the policy
 9 or contract.
- 10 (b) With respect to group life insurance, insurers are required to
 11 confirm the possible death of an insured when the insurers maintain at
 12 least the following information of those covered under a policy or cer-
 13 tificate:
- 14 (i) Social security number or name and date of birth;
 15 (ii) Beneficiary designation information;
 16 (iii) Coverage eligibility;
 17 (iv) Benefit amount; and
 18 (v) Premium payment status.
- 19 (c) Every insurer shall implement procedures to account for:
- 20 (i) Common nicknames, initials used in lieu of a first or middle
 21 name, use of a middle name, compound first and middle names and in-
 22 terchanged first and middle names;
 23 (ii) Compound last names, maiden or married names and hyphens, and
 24 blank spaces or apostrophes in last names;
 25 (iii) Transposition of the month and date portions of the date of
 26 birth; and
 27 (iv) Incomplete social security number.
- 28 (d) To the extent permitted by law, the insurer may disclose minimum
 29 necessary personal information about the insured or beneficiary to a
 30 person who the insurer reasonably believes may be able to assist the in-
 31 surer locate the beneficiary or a person otherwise entitled to payment
 32 of the claims proceeds.
- 33 (2) An insurer or its service provider shall not charge any beneficiary
 34 or other authorized representative for any fees or costs associated with a
 35 death master file search or verification of a death master file match con-
 36 ducted pursuant to this section.
- 37 (3) The benefits from a policy, contract or a retained asset account,
 38 plus any applicable accrued contractual interest shall first be payable to
 39 the designated beneficiaries or owners and in the event such beneficiaries
 40 or owners cannot be found shall escheat to the state as unclaimed property
 41 pursuant to section ~~14-507~~ 14-505(7), Idaho Code. Interest payable under
 42 section 41-1337, Idaho Code, shall not be payable as unclaimed property un-
 43 der section ~~14-507~~ 14-505(7), Idaho Code.
- 44 (4) An insurer shall notify the unclaimed property administrator upon
 45 the expiration of the statutory time period for escheat that:
- 46 (a) A policy or contract beneficiary or retained asset account holder
 47 has not submitted a claim with the insurer; and
 48 (b) The insurer has complied with subsection (1) (a) of this section and
 49 has been unable, after good faith efforts documented by the insurer, to

1 contact the retained asset account holder, beneficiary or beneficia-
2 ries.

3 (5) Upon such notice, an insurer shall immediately submit the unclaimed
4 policy or contract benefits or unclaimed retained asset accounts, plus any
5 applicable accrued interest, to the unclaimed property administrator.

6 SECTION 114. That Section 57-1109, Idaho Code, be, and the same is
7 hereby amended to read as follows:

8 57-1109. NET REVENUES RECEIVED FROM ABANDONED PROPERTY DEPOSITED TO
9 CREDIT OF GENERAL ACCOUNT. Any net revenues derived under and pursuant to the
10 provisions of ~~sections 14-501--14-543~~ chapter 5, title 14, Idaho Code, shall
11 be deposited by the authority collecting the same directly to the credit of
12 the general account.

13 SECTION 115. That Section 66-503, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 66-503. CUSTODY OF MONEY -- DUTY OF SUPERINTENDENT OR MANAGER. All
16 moneys so held in trust shall be kept by the superintendent or manager, sub-
17 ject to be returned to the person or persons from whom any part of such fund
18 has been taken for deposit in trust, except any portion thereof applied to
19 such patient's expenses while in said state hospital or the southwest Idaho
20 treatment center or applied to the payment of the funeral expenses of said
21 patient, upon his death, release or discharge from the said institution;
22 provided however, that if any patient who dies or has been discharged or es-
23 caped from any state hospital or the southwest Idaho treatment center does
24 not present, personally or through his legal guardian, heirs or assigns, a
25 claim against the said trust fund for repayment to him of money to his credit
26 in said trust fund for patients within five (5) years from the date of his
27 death, discharge or escape as certified to the state controller of the state
28 of Idaho by the officer in charge of said institutions, then the superinten-
29 dent or manager shall pay over the money in the manner set forth in section
30 ~~14-519~~ 14-537, Idaho Code, provided however, that money held in trust for
31 a deceased patient shall be transferred pursuant to section 14-113, Idaho
32 Code.