

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 188, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE REVISED UNCLAIMED PROPERTY ACT; REPEALING CHAPTER 5, TITLE
2 14, IDAHO CODE, RELATING TO THE UNCLAIMED PROPERTY ACT; AMENDING TITLE
3 14, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 5, TITLE 14, IDAHO CODE,
4 TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO CLARIFY APPLICABILITY,
5 TO PROVIDE RULEMAKING AUTHORITY, TO PROVIDE PRESUMPTIONS OF WHEN CER-
6 TAIN PROPERTY IS ABANDONED, TO PROVIDE A PRESUMPTION OF ABANDONMENT FOR
7 A TAX-DEFERRED RETIREMENT ACCOUNT, TO PROVIDE A PRESUMPTION OF ABAN-
8 DONMENT FOR OTHER TAX-DEFERRED ACCOUNTS, TO PROVIDE A PRESUMPTION OF
9 ABANDONMENT FOR CUSTODIAL ACCOUNTS FOR MINORS, TO PROVIDE A PRESUMP-
10 TION OF ABANDONMENT FOR THE CONTENTS OF SAFE DEPOSIT BOXES, TO PROVIDE
11 A PRESUMPTION OF ABANDONMENT FOR STORED VALUE CARDS, TO PROVIDE A PRE-
12 SUMPTION OF ABANDONMENT FOR SECURITIES, TO PROVIDE A PRESUMPTION OF
13 ABANDONMENT FOR RELATED PROPERTY, TO ESTABLISH PROVISIONS REGARDING AN
14 INDICATION OF APPARENT OWNER INTEREST IN PROPERTY, TO ESTABLISH PRO-
15 VISIONS REGARDING KNOWLEDGE OF DEATH OF AN INSURED OR AN ANNUITANT, TO
16 ESTABLISH PROVISIONS REGARDING A CERTAIN DEPOSIT ACCOUNT, TO ESTABLISH
17 PROVISIONS REGARDING A HOLDING PERIOD, TO ESTABLISH PROVISIONS REGARD-
18 ING THE ADDRESS OF AN APPARENT OWNER, TO ESTABLISH PROVISIONS REGARDING
19 THE ADDRESS OF AN APPARENT OWNER IN IDAHO, TO ESTABLISH PROVISIONS
20 REGARDING MULTIPLE ADDRESSES OF AN APPARENT OWNER, TO ESTABLISH PROVI-
21 SIONS REGARDING A HOLDER DOMICILED IN IDAHO, TO ESTABLISH PROVISIONS
22 REGARDING CUSTODY IF A TRANSACTION OCCURRED IN IDAHO, TO ESTABLISH
23 PROVISIONS REGARDING A TRAVELER'S CHECK, MONEY ORDER, OR SIMILAR IN-
24 STRUMENT, TO PROVIDE FOR A CERTAIN REPORT, TO PROVIDE FOR CONTENT OF
25 THE REPORT, TO PROVIDE FOR FILING OF THE REPORT, TO PROVIDE FOR RECORDS
26 RETENTION, TO ESTABLISH PROVISIONS REGARDING REPORTABLE OR DELIVER-
27 ABLE PROPERTY, TO PROVIDE FOR AN EXEMPTION, TO PROVIDE FOR NOTICE TO THE
28 APPARENT OWNER, TO PROVIDE FOR CONTENTS OF THE NOTICE, TO PROVIDE FOR
29 NOTICE BY THE ADMINISTRATOR, TO PROVIDE FOR COOPERATION AMONG STATE OF-
30 FICERS AND AGENCIES, TO DEFINE A TERM, TO PROVIDE FOR A DORMANCY CHARGE,
31 TO PROVIDE FOR PAYMENT OR DELIVERY OF PROPERTY TO THE ADMINISTRATOR,
32 TO ESTABLISH PROVISIONS REGARDING THE EFFECT OF PAYMENT OR DELIVERY,
33 TO PROVIDE FOR RECOVERY OF PROPERTY, TO ESTABLISH PROVISIONS REGARDING
34 PROPERTY REMOVED FROM A SAFE DEPOSIT BOX, TO ESTABLISH PROVISIONS RE-
35 GARDING CREDITING INCOME OR GAIN TO AN OWNER'S ACCOUNT, TO PROVIDE FOR
36 OPTIONS AS TO CUSTODY, TO PROVIDE FOR DISPOSITION OF PROPERTY HAVING
37 NO SUBSTANTIAL VALUE, TO PROVIDE FOR CERTAIN IMMUNITY, TO PROVIDE FOR
38 PERIODS OF LIMITATION AND REPOSE, TO PROVIDE FOR PUBLIC SALE OF CER-
39 TAIN PROPERTY, TO PROVIDE FOR DISPOSAL OF SECURITIES, TO PROVIDE FOR
40 RECOVERY OF SECURITIES, TO PROVIDE FOR OWNERSHIP FOLLOWING A SALE, TO
41 ESTABLISH PROVISIONS REGARDING MILITARY MEDALS OR DECORATIONS, TO PRO-
42 VIDE FOR THE DISPOSITION OF MONEY RECEIVED UNDER THE CHAPTER, TO PROVIDE
43 FOR RECORDS RETENTION, TO PROVIDE FOR PROPERTY HELD BY THE ADMINIS-
44 TRATOR, TO ESTABLISH PROVISIONS REGARDING CLAIMS OF OTHER STATES, TO
45

1 ESTABLISH PROVISIONS REGARDING PROPERTY SUBJECT TO RECOVERY BY ANOTHER
2 STATE, TO ESTABLISH PROVISIONS REGARDING CLAIMS BY PERSONS CLAIMING TO
3 BE OWNERS, TO ESTABLISH PROVISIONS REGARDING HONORING CLAIMS, TO ESTAB-
4 LISH PROVISIONS REGARDING ALLOWANCE OF CLAIMS, TO PROVIDE FOR AN ACTION
5 WHEN A CLAIM IS DENIED, TO PROVIDE FOR PAYMENT AND DELIVERY, TO ESTAB-
6 LISH PROVISIONS REGARDING A VERIFIED REPORT OF PROPERTY, TO PROVIDE
7 FOR AN EXAMINATION OF RECORDS, TO PROVIDE FOR RULES FOR CONDUCTING AN
8 EXAMINATION, TO ESTABLISH PROVISIONS REGARDING RECORDS OBTAINED IN EX-
9 AMINATION, TO ESTABLISH PROVISIONS REGARDING EVIDENCE OF UNPAID DEBTS
10 OR UNDISCHARGED OBLIGATIONS, TO ESTABLISH PROVISIONS REGARDING FAILURE
11 TO RETAIN RECORDS, TO PROVIDE FOR A CERTAIN REPORT, TO PROVIDE FOR AN IN-
12 FORMAL CONFERENCE DURING EXAMINATION, TO ESTABLISH PROVISIONS REGARD-
13 ING CONTRACTS TO CONDUCT EXAMINATIONS, TO PROVIDE FOR DETERMINATION OF
14 LIABILITY, TO PROVIDE FOR A CERTAIN INFORMAL CONFERENCE, TO PROVIDE FOR
15 ADMINISTRATIVE AND JUDICIAL REVIEW, TO ESTABLISH PROVISIONS REGARD-
16 ING AN ACTION TO ENFORCE LIABILITY, TO ESTABLISH PROVISIONS REGARDING
17 INTERSTATE AND INTERNATIONAL AGREEMENTS AND COOPERATION, TO ESTAB-
18 LISH PROVISIONS REGARDING AN ACTION INVOLVING ANOTHER STATE OR FOREIGN
19 COUNTRY, TO ESTABLISH PROVISIONS REGARDING INTEREST AND PENALTIES FOR
20 FAILURE TO ACT IN A TIMELY MANNER, TO PROVIDE OTHER CIVIL PENALTIES, TO
21 PROVIDE FOR A WAIVER OF INTEREST OR PENALTY, TO ESTABLISH PROVISIONS
22 REGARDING A VOID AGREEMENT, TO ESTABLISH PROVISIONS REGARDING THE RIGHT
23 OF AN AGENT OF AN APPARENT OWNER TO CERTAIN INFORMATION, TO DEFINE A TERM
24 AND PROVIDE APPLICABILITY, TO ESTABLISH PROVISIONS REGARDING CONFIDEN-
25 TIAL INFORMATION, TO PROVIDE FOR DISCLOSURE OF CONFIDENTIAL INFORMA-
26 TION, TO ESTABLISH PROVISIONS REGARDING A CONFIDENTIALITY AGREEMENT,
27 TO ESTABLISH PROVISIONS REGARDING THE EXCLUSION OF CONFIDENTIAL INFOR-
28 MATION FROM NOTICES, TO ESTABLISH PROVISIONS REGARDING THE SECURITY OF
29 INFORMATION, TO ESTABLISH PROVISIONS REGARDING A SECURITY BREACH, TO
30 PROVIDE FOR APPLICATION AND CONSTRUCTION, TO ESTABLISH PROVISIONS RE-
31 GARDING ELECTRONIC SIGNATURES, TO PROVIDE FOR A CERTAIN TRANSITION, AND
32 TO PROVIDE SEVERABILITY; AMENDING SECTION 14-113, IDAHO CODE, TO REVISE
33 TERMINOLOGY; AMENDING SECTION 15-3-914, IDAHO CODE, TO PROVIDE A COR-
34 RECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SEC-
35 TION 33-5410, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING
36 SECTION 41-3002, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO
37 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 57-1109, IDAHO CODE, TO
38 PROVIDE A CORRECT CODE REFERENCE AND TO REVISE TERMINOLOGY; AMENDING
39 SECTION 63-3077E, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION
40 66-503, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING
41 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

43 SECTION 1. That Chapter 5, Title 14, Idaho Code, be, and the same is
44 hereby repealed.

45 SECTION 2. That Title 14, Idaho Code, be, and the same is hereby amended
46 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
47 ter 5, Title 14, Idaho Code, and to read as follows:

1 CHAPTER 5
2 REVISED UNCLAIMED PROPERTY ACT

3 PART 1
4 GENERAL PROVISIONS

5 14-5-101. SHORT TITLE. This chapter shall be known and may be cited as
6 the "Revised Unclaimed Property Act."

7 14-5-102. DEFINITIONS. As used in this chapter:

8 (1) "Administrator" means the state treasurer's office or its duly au-
9 thorized agents or employees.

10 (2) "Administrator's agent" means a person with which the administra-
11 tor contracts to conduct an examination under part 10 of this chapter on be-
12 half of the administrator. The term includes an independent contractor of
13 the person and each individual participating in the examination on behalf of
14 the person or contractor.

15 (3) "Apparent owner" means a person whose name appears on the records of
16 a holder as the owner of property held, issued, or owing by the holder.

17 (4) "Business association" means a corporation, joint stock company,
18 investment company other than an investment company registered under the in-
19 vestment company act of 1940, as amended, 15 U.S.C. 80a-1 through 80a-64,
20 partnership, unincorporated association, joint venture, limited liability
21 company, business trust, trust company, land bank, safe deposit company,
22 safekeeping depository, financial organization, insurance company, feder-
23 ally chartered entity, utility, sole proprietorship, or other business en-
24 tity, whether or not for profit.

25 (5) "Confidential information" means records, reports, and informa-
26 tion that are confidential under section 14-5-1402, Idaho Code.

27 (6) "Domicile" means:

28 (a) For a corporation, the state of its incorporation;

29 (b) For a business association whose formation requires a filing with a
30 state, other than a corporation, the state of its filing;

31 (c) For a federally chartered entity or an investment company regis-
32 tered under the investment company act of 1940, as amended, 15 U.S.C.
33 80a-1 through 80a-64, the state of its home office; and

34 (d) For any other holder, the state of its principal place of business.

35 (7) "Electronic" means relating to technology having electrical, dig-
36 ital, magnetic, wireless, optical, electromagnetic, or similar capabili-
37 ties.

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

40 (9) "Financial organization" means a savings and loan association,
41 building and loan association, savings bank, industrial bank, bank, banking
42 organization, or credit union.

43 (10) "Game-related digital content" means digital content that exists
44 only in an electronic game or electronic game platform. The term:

45 (a) Includes:

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

- 1 (ii) The following if for use or redemption only within the game or
2 platform or another electronic game or electronic game platform:
3 1. Points sometimes referred to as gems, tokens, gold, and
4 similar names; and
5 2. Digital codes; and
6 (b) Does not include an item that the issuer:
7 (i) Permits to be redeemed for use outside a game or platform for:
8 1. Money; or
9 2. Goods or services that have more than minimal value; or
10 (ii) Otherwise monetizes for use outside a game or platform.
11 (11) "Gift card" means a card assigned a certain value that:
12 (a) Does not expire;
13 (b) May be decreased in value only by redemption for merchandise,
14 goods, or services;
15 (c) Unless required by law, may not be redeemed for or converted into
16 money or otherwise monetized by the issuer; and
17 (d) Includes a prepaid commercial mobile radio service, as defined in
18 47 CFR 20.3.
19 (12) "Holder" means a person obligated to hold property subject to this
20 chapter for the account of, or to deliver or pay to, the owner.
21 (13) "Insurance company" means an association, corporation, or frater-
22 nal or mutual-benefit organization, whether or not for profit, engaged in
23 the business of providing life endowments, annuities, or insurance, includ-
24 ing accident, burial, casualty, credit-life, contract-performance, dental,
25 disability, fidelity, fire, health, hospitalization, illness, life, mal-
26 practice, marine, mortgage, surety, wage protection, and worker's compensa-
27 tion insurance.
28 (14) "Loyalty card" means a record given without direct monetary con-
29 sideration under an award, reward, loyalty, incentive, rebate, or promo-
30 tional program that may be used or redeemed to obtain goods or services or
31 a discount on goods or services or that may be redeemed within a proprietary
32 rewards program hosted by the issuer of the loyalty card. The term does not
33 include a record that may be redeemed for money or otherwise monetized by the
34 issuer. For purposes of this subsection, an annual or periodic fee charged
35 for joining a promotional program established by an organization for pur-
36 poses of rewarding a relationship does not constitute direct monetary con-
37 sideration.
38 (15) "Mineral" means gas, oil, coal, oil shale, other gaseous liquid or
39 solid hydrocarbon, cement material, sand and gravel, road material, build-
40 ing stone, chemical raw material, gemstone, fissionable and nonfissionable
41 ores, colloidal and other clay, steam and other geothermal resources, and
42 any other substance defined as a mineral by law of this state other than this
43 chapter.
44 (16) "Mineral proceeds" means an amount payable for extraction, produc-
45 tion, or sale of minerals or, on the abandonment of the amount, an amount that
46 becomes payable after abandonment. The term includes an amount payable:
47 (a) For the acquisition and retention of a mineral lease, including a
48 bonus, royalty, compensatory royalty, shut-in royalty, minimum roy-
49 alty, and delay rental;

1 (b) For the extraction, production, or sale of minerals, including a
2 net revenue interest, royalty, overriding royalty, extraction payment,
3 and production payment; and

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

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

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

11 (19) "Net card value" means the original purchase price or original is-
12 sued value of a stored value card, plus amounts added to the original price
13 or value, minus amounts used and any service charge, fee, or dormancy charge
14 permitted by law.

15 (20) "Non-freely transferable security" means a security that cannot be
16 delivered to the administrator by the depository trust and clearing corpo-
17 ration or similar custodian of securities providing post-trade clearing and
18 settlement services to financial markets or that cannot be delivered because
19 there is no agent to effect transfer. The term includes a worthless secu-
20 rity.

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

24 (a) A depositor, for a deposit;

25 (b) A beneficiary, for a trust other than a deposit in trust;

26 (c) A creditor, claimant, or payee, for other property; and

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

29 (22) "Payroll card" means a record that evidences a payroll card account
30 as defined in regulation E, 12 CFR 1005.

31 (23) "Person" means an individual, estate, business association, pub-
32 lic corporation, government or governmental subdivision, agency, or instru-
33 mentality, or other legal entity.

34 (24) "Property" means tangible property described in section 14-5-205,
35 Idaho Code, or a fixed and certain interest in intangible property held, is-
36 sued, or owed in the course of a holder's business or by a government or gov-
37 ernmental subdivision, agency, or instrumentality. The term property:

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

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

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

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

46 (iii) A security, except for:

47 1. A worthless security; or

48 2. A security that is subject to a lien, legal hold, or re-
49 striction evidenced on the records of the holder or imposed
50 by operation of law, if the lien, legal hold, or restriction

- 1 restricts the holder's or owner's ability to receive, trans-
 2 fer, sell, or otherwise negotiate the security;
- 3 (iv) A bond, debenture, note, or other evidence of indebtedness;
 4 (v) Money deposited to redeem a security, make a distribution, or
 5 pay a dividend;
- 6 (vi) An amount due and payable under an annuity contract or insur-
 7 ance policy; and
- 8 (vii) An amount distributable from a trust or custodial fund
 9 established under a plan to provide benefits such as health, wel-
 10 fare, pension, vacation, severance, retirement, death, stock
 11 purchase, profit-sharing, employee savings, or supplemental un-
 12 employment insurance, or a similar benefit; and
- 13 (c) Does not include:
- 14 (i) Property held in a plan described in section 529A of the In-
 15 ternal Revenue Code, as amended;
- 16 (ii) Game-related digital content;
- 17 (iii) A loyalty card;
- 18 (iv) An in-store credit for returned merchandise; or
- 19 (v) A gift card.
- 20 (25) "Putative holder" means a person believed by the administrator to
 21 be a holder, until the person pays or delivers to the administrator property
 22 subject to this chapter or the administrator or a court makes a final deter-
 23 mination that the person is or is not a holder.
- 24 (26) "Record" means information that is inscribed on a tangible medium
 25 or that is stored in an electronic or other medium and is retrievable in per-
 26 ceivable form. Record includes records of the holder maintained by a third
 27 party that has contracted with the holder.
- 28 (27) "Security" means:
- 29 (a) A security as defined in section 28-8-102, Idaho Code;
- 30 (b) A security entitlement as defined in section 28-8-102, Idaho
 31 Code, including a customer security account held by a registered bro-
 32 ker-dealer, to the extent the financial assets held in the security
 33 account are not:
- 34 (i) Registered on the books of the issuer in the name of the person
 35 for which the broker-dealer holds the assets;
- 36 (ii) Payable to the order of the person; or
- 37 (iii) Specifically endorsed to the person; or
- 38 (c) An equity interest in a business association not included in para-
 39 graph (a) or (b) of this subsection.
- 40 (28) "Sign" means, with present intent to authenticate or adopt a
 41 record:
- 42 (a) To execute or adopt a tangible symbol; or
- 43 (b) To attach to or logically associate with the record an electronic
 44 symbol, sound, or process.
- 45 (29) "State" means a state of the United States, the District of Co-
 46 lumbia, the commonwealth of Puerto Rico, the United States Virgin Islands,
 47 or any territory or insular possession subject to the jurisdiction of the
 48 United States.
- 49 (30) "Stored value card" means a record evidencing a promise made for
 50 consideration by the seller or issuer of the record that goods, services, or

1 money will be provided to the owner of the record to the value or amount shown
2 in the record. The term stored value card:

3 (a) Includes a record that contains or consists of a microprocessor
4 chip, magnetic strip, or other means for the storage of information that
5 is prefunded and whose value or amount is decreased on each use and in-
6 creased by payment of additional consideration; and

7 (b) Does not include a loyalty card, gift card, or game-related digital
8 content.

9 (31) "Utility" means a person that owns or operates for public use a
10 plant, equipment, real property, a franchise, or a license for the following
11 public services:

12 (a) Transmission of communications or information;

13 (b) Production, storage, transmission, sale, delivery, or furnishing
14 of electricity, water, steam, or gas; or

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

17 (32) "Virtual currency" means a digital representation of value used as
18 a medium of exchange, unit of account, or store of value that does not have
19 legal tender status recognized by the United States. The term virtual cur-
20 rency does not include:

21 (a) The software or protocols governing the transfer of the digital
22 representation of value;

23 (b) Game-related digital content; or

24 (c) A loyalty card.

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

28 14-5-103. INAPPLICABILITY TO FOREIGN TRANSACTION. This chapter does
29 not apply to property held, due, and owing in a foreign country if the trans-
30 action out of which the property arose was a foreign transaction.

31 14-5-104. RULEMAKING. The administrator may adopt, under chapter 52,
32 title 67, Idaho Code, rules to implement and administer this chapter.

33 PART 2
34 PRESUMPTION OF ABANDONMENT

35 14-5-201. WHEN PROPERTY PRESUMED ABANDONED. (1) Subject to the provi-
36 sions of section 14-5-210, Idaho Code, the following property is presumed
37 abandoned if it is unclaimed by the apparent owner during the specified pe-
38 riod:

39 (a) A traveler's check, fifteen (15) years after issuance;

40 (b) A money order, seven (7) years after issuance;

41 (c) A corporate bond, bearer bond, or original issue discount bond,
42 five (5) years after the earliest of the date the bond matures or is
43 called or the obligation to pay the principal of the bond arises;

44 (d) A demand savings or time deposit, including a deposit that is auto-
45 matically renewable, five (5) years after the later of the date of matu-
46 rity, if applicable, or the date of the last indication of interest in

1 the property by the apparent owner. However, a deposit that is automat-
 2 ically renewable is deemed matured on its initial date of maturity un-
 3 less the apparent owner consented in a record on file with the holder to
 4 a renewal at or about the time of the renewal;

5 (e) Money or a credit owed to a customer as a result of a retail business
 6 transaction, other than in-store credit for returned merchandise, five
 7 (5) years after the obligation arose;

8 (f) An amount owed by an insurance company on a life or endowment insur-
 9 ance policy or an annuity contract that has matured or terminated, five
 10 (5) years after the obligation to pay arose under the terms of the pol-
 11 icy or contract or, if a policy or contract for which an amount is owed on
 12 proof of death has not matured by proof of the death of the insured or an-
 13 nuitant, as follows:

14 (i) With respect to an amount owed on a life or endowment insur-
 15 ance policy, five (5) years after the earlier of the date:

16 1. The insurance company has knowledge of the death of the
 17 insured; or

18 2. The insured has attained, or would have attained if liv-
 19 ing, the limiting age under the mortality table on which the
 20 reserve for the policy is based; and

21 (ii) With respect to an amount owed on an annuity contract, five
 22 (5) years after the date the insurance company has knowledge of the
 23 death of the annuitant;

24 (g) Property distributable by a business association in the course of
 25 dissolution, one (1) year after the property becomes distributable;

26 (h) Property held by a court, including property received as pro-
 27 ceeds of a class action, one (1) year after the property becomes dis-
 28 tributable;

29 (i) Property held by a government or governmental subdivision, agency,
 30 or instrumentality, including municipal bond interest and unredeemed
 31 principal under the administration of a paying agent or indenture
 32 trustee, one (1) year after the property becomes distributable;

33 (j) Wages, commissions, bonuses, or reimbursements to which an em-
 34 ployee is entitled or other compensation for personal services, includ-
 35 ing amounts held in a payroll card, one (1) year after the amount becomes
 36 payable;

37 (k) A deposit or refund owed to a subscriber by a utility, one (1) year
 38 after the deposit or refund becomes payable;

39 (l) Funds on deposit or held in trust for the prepayment of a funeral or
 40 other funeral-related expenses other than burial rights, the earliest
 41 of:

42 (i) Two (2) years after the date of death of the beneficiary;

43 (ii) One (1) year after the date the beneficiary has attained, or
 44 would have attained if living, the age of one hundred five (105)
 45 years where the holder does not know whether the beneficiary is de-
 46 ceased; or

47 (iii) Thirty (30) years after the contract for prepayment was exe-
 48 cuted.

49 (m) Funds from the termination of a defined contribution or other re-
 50 tirement plan where the apparent owner is a missing participant and the

1 plan fiduciary is unable to or elects not to distribute missing partic-
 2 ipant benefits into an individual retirement account, as soon as admin-
 3 istratively feasible after the date of plan termination; and

4 (n) Property not specified in this section or sections 14-5-202 through
 5 14-5-208, Idaho Code, the earlier of five (5) years after the owner
 6 first has a right to demand the property or the obligation to pay or dis-
 7 tribute the property arises.

8 (2) Notwithstanding the provisions of subsection (1) of this section,
 9 and subject to the provisions of section 14-5-209, Idaho Code:

10 (a) If the holder has imposed a charge against property for reason of
 11 inactivity or the failure of the owner to claim the property within
 12 a specified period of time, and the abandonment period for the prop-
 13 erty pursuant to subsection (1) of this section is greater than two (2)
 14 years, the property shall instead be presumed abandoned two (2) years
 15 from the owner's last indication of interest in the property; and

16 (b) A deceased owner cannot indicate interest in the owner's property.
 17 If the owner is deceased, and the abandonment period for the owner's
 18 property as specified in subsection (1) of this section is greater than
 19 two (2) years, the property shall instead be presumed abandoned two (2)
 20 years from the date of the owner's last indication of interest in the
 21 property.

22 14-5-202. WHEN TAX-DEFERRED RETIREMENT ACCOUNT PRESUMED ABAN-
 23 DONED. (1) Subject to the provisions of section 14-5-210, Idaho Code, prop-
 24 erty held in a pension account or retirement account that qualifies for tax
 25 deferral under the income tax laws of the United States is presumed abandoned
 26 if it is unclaimed by the apparent owner three (3) years after the later of:

27 (a) The following dates:

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

32 (ii) If the second communication is sent later than thirty (30)
 33 days after the date the first communication is returned undeliv-
 34 ered, the date the first communication was returned undelivered by
 35 the United States postal service; or

36 (b) The earlier of the following dates:

37 (i) The date specified in the income tax laws of the United States
 38 by which distribution of the property must begin in order to avoid
 39 a tax penalty, if reasonably determinable by the holder; or

40 (ii) One (1) year after the date of mandatory distribution follow-
 41 ing death if the Internal Revenue Code, as amended, 26 U.S.C. 1, et
 42 seq., requires distribution to avoid a tax penalty and the holder:

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

45 2. Confirms the death of the apparent owner under subsection
 46 (2) of this section.

47 (2) If a holder in the ordinary course of its business receives notice
 48 or an indication of the death of an apparent owner and subsection (1) (b) of
 49 this section applies, the holder shall attempt no later than ninety (90) days

1 after receipt of the notice or indication to confirm whether the apparent
2 owner is deceased.

3 (3) If the holder does not send communications to the apparent owner of
4 an account described in subsection (1) of this section by first class United
5 States mail, the holder shall attempt to confirm the apparent owner's inter-
6 est in the property by sending the apparent owner an electronic mail communi-
7 cation no later than two (2) years after the apparent owner's last indication
8 of interest in the property. However, the holder shall promptly attempt to
9 contact the apparent owner by first class United States mail if:

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

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

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

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

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

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

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

29 14-5-203. WHEN OTHER TAX-DEFERRED ACCOUNT PRESUMED ABANDONED. Sub-
30 ject to the provisions of section 14-5-210, Idaho Code, and except for
31 property described in section 14-5-202, Idaho Code, unclaimed accounts
32 in the Idaho college savings program subject to the provisions of section
33 33-5410, Idaho Code, and property held in a plan or account described in
34 section 529A of the Internal Revenue Code, as amended, including a health
35 savings account, that qualifies for tax deferral under the income tax laws
36 of the United States is presumed abandoned if it is unclaimed by the apparent
37 owner three (3) years after the earlier of:

38 (1) The date, if reasonably determinable by the holder, specified in
39 the income tax laws and regulations of the United States by which distribu-
40 tion of the property must begin to avoid a tax penalty, with no distribution
41 having been made;

42 (2) The date the holder confirms or receives confirmation of the death
43 of the apparent owner in the ordinary course of its business; or

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

45 14-5-204. WHEN CUSTODIAL ACCOUNT FOR MINOR PRESUMED ABANDONED. (1)
46 Subject to the provisions of section 14-5-210, Idaho Code, property held in
47 an account established under a state's uniform gifts to minors act or uniform
48 transfers to minors act is presumed abandoned if it is unclaimed by or on be-

1 half of the minor on whose behalf the account was opened five (5) years after
2 the later of:

3 (a) The date a communication sent by the holder by first class United
4 States mail to the custodian of the minor on whose behalf the account was
5 opened is returned undelivered to the holder by the United States postal
6 service; or

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

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

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

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

24 (c) The custodian does not respond to the electronic mail communication
25 no later than thirty (30) days after the communication was sent.

26 (3) If first class United States mail sent pursuant to subsection (2)
27 of this section is returned undelivered to the holder by the United States
28 postal service, the property is presumed abandoned five (5) years after the
29 date established by subsection (1) (b) of this section.

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

34 14-5-205. WHEN CONTENTS OF SAFE DEPOSIT BOX PRESUMED ABANDONED. Tan-
35 gible property held in a safe deposit box and proceeds from a sale of the
36 property by the holder permitted by law of this state other than this chap-
37 ter are presumed abandoned if the property remains unclaimed by the apparent
38 owner five (5) years after the earlier of:

39 (1) The expiration of the lease or rental period for the box; or

40 (2) The earliest date when the lessor of the box is authorized by law of
41 this state other than this chapter to enter the box and remove or dispose of
42 the contents without consent or authorization of the lessee.

43 14-5-206. WHEN STORED VALUE CARD PRESUMED ABANDONED. (1) Subject to
44 the provisions of section 14-5-210, Idaho Code, the net card value of a
45 stored value card, other than a payroll card, is presumed abandoned five (5)
46 years after the latest of:

47 (a) December 31 of the year in which the card is issued or additional
48 funds are deposited into it;

- 1 (b) The most recent indication of interest in the card by the apparent
2 owner; or
3 (c) A verification or review of the balance by or on behalf of the ap-
4 parent owner.
5 (2) The amount presumed abandoned in a stored value card is the net card
6 value at the time it is presumed abandoned.

7 14-5-207. WHEN SECURITY PRESUMED ABANDONED. Subject to the provisions
8 of section 14-5-210, Idaho Code, a security is presumed abandoned five (5)
9 years after the apparent owner's last indication of interest in the prop-
10 erty.

11 14-5-208. WHEN RELATED PROPERTY PRESUMED ABANDONED. At and after the
12 time property is presumed abandoned under this chapter, any other property
13 right or interest accrued or accruing from the property and not previously
14 presumed abandoned is also presumed abandoned.

15 14-5-209. INDICATION OF APPARENT OWNER INTEREST IN PROPERTY. (1) The
16 period after which property is presumed abandoned is measured from the later
17 of:

- 18 (a) The date the property is presumed abandoned under this part; or
19 (b) The latest indication of interest by the apparent owner in the prop-
20 erty.
21 (2) Under this chapter, an indication of an apparent owner's interest
22 in property includes:
23 (a) A record communicated by the apparent owner to the holder or agent
24 of the holder concerning the property or the account in which the prop-
25 erty is held;
26 (b) An oral communication by the apparent owner to the holder or agent
27 of the holder concerning the property or the account in which the prop-
28 erty is held, if the holder or its agent contemporaneously makes and
29 preserves a record of the fact of the apparent owner's communication;
30 (c) Presentment of a check or other instrument of payment of a dividend,
31 interest payment, or other distribution or evidence of receipt of a dis-
32 tribution made by electronic or similar means, with respect to an ac-
33 count, underlying security, or interest in a business association;
34 (d) Activity directed by an apparent owner in the account in which the
35 property is held, including accessing the account or information con-
36 cerning the account or a direction by the apparent owner to increase,
37 decrease, or otherwise change the amount or type of property held in the
38 account;
39 (e) A deposit into or withdrawal from an account at a financial organi-
40 zation, except for a recurring automated clearinghouse debit or credit
41 previously authorized by the apparent owner;
42 (f) Subject to the provisions of subsection (5) of this section, pay-
43 ment of a premium on an insurance policy; and
44 (g) Any other action by the apparent owner that reasonably demonstrates
45 to the holder that the apparent owner knows that the property exists.

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

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

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

13 14-5-210. KNOWLEDGE OF DEATH OF INSURED OR ANNUITANT. (1) As used in
14 this section, "death master file" means the United States social security
15 administration death master file or other database or service that is at
16 least as comprehensive as the United States social security administration
17 death master file for determining that an individual reportedly has died.

18 (2) With respect to a life or endowment insurance policy or annuity con-
19 tract for which an amount is owed on proof of death, but which has not matured
20 by proof of death of the insured or annuitant, the company has knowledge of
21 the death of an insured or annuitant when:

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

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

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

32 (d) The administrator or the administrator's agent conducts a compari-
33 son for the purpose of finding matches during an examination conducted
34 under part 10 of this chapter between a death master file and the names
35 of some or all of the company's insureds or annuitants, finds a match
36 that provides notice that the insured or annuitant has died, and the
37 company validates the death; or

38 (e) The company:

39 (i) Receives notice of the death of the insured or annuitant from
40 an administrator, beneficiary, policy owner, relative of the in-
41 sured, or trustee or from a personal representative, executor,
42 or other legal representative of the insured's or annuitant's es-
43 tate; and

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

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

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

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

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

3 (iii) Absent a law, rule, or policy under subparagraph (i) or (ii)
4 of this paragraph, standards in the national conference of insur-
5 ance legislators' "Model Unclaimed Life Insurance Benefits Act,"
6 as published in 2014;

7 (b) The death master file match does not constitute proof of death for
8 the purpose of submission to an insurance company of a claim by a bene-
9 ficiary, annuitant, or owner of the policy or contract for an amount due
10 under an insurance policy or annuity contract;

11 (c) The death master file match or validation of the insured's or annu-
12 itant's death does not alter the requirements for a beneficiary, annui-
13 tant, or owner of the policy or contract to make a claim to receive pro-
14 ceeds under the terms of the policy or contract; and

15 (d) If no provision in chapter 30, title 41, Idaho Code, establishes a
16 time for validation of a death of an insured or annuitant, the insurance
17 company shall make a good faith effort using other available records
18 and information to validate the death and document the effort taken no
19 later than ninety (90) days after the insurance company has notice of
20 the death.

21 (4) This chapter does not affect the determination of the extent to
22 which an insurance company before July 1, 2023, had knowledge of the death
23 of an insured or annuitant or was required to conduct a death master file
24 comparison to determine whether amounts owed by the company on a life or
25 endowment insurance policy or annuity contract were presumed abandoned or
26 unclaimed.

27 14-5-211. DEPOSIT ACCOUNT FOR PROCEEDS OF INSURANCE POLICY OR ANNUITY
28 CONTRACT. If proceeds payable under a life or endowment insurance policy or
29 annuity contract are deposited into an account with check or draft-writing
30 privileges for the beneficiary of the policy or contract and, under a supple-
31 mentary contract not involving annuity benefits other than death benefits,
32 the proceeds are retained by the insurance company or the financial organi-
33 zation where the account is held, the policy or contract includes the assets
34 in the account.

35 14-5-212. HOLDING PERIOD DETERMINED BY TYPE OF LIABILITY. The allow-
36 able holding period shall be determined by the type of liability or property
37 payable, not the method of payment.

38 PART 3

39 RULES FOR TAKING CUSTODY OF PROPERTY PRESUMED ABANDONED

40 14-5-301. ADDRESS OF APPARENT OWNER TO ESTABLISH PRIORITY. In this
41 part, the following rules apply:

42 (1) The last known address of an apparent owner is any description,
43 code, or other indication of the location of the apparent owner that identi-
44 fies the state, even if the description, code, or indication of location is
45 not sufficient to direct the delivery of first class United States mail to
46 the apparent owner;

1 (2) If the United States postal zip code associated with the apparent
2 owner is for a post office located in this state, this state is deemed to
3 be the state of the last known address of the apparent owner unless other
4 records associated with the apparent owner specifically identify the phys-
5 ical address of the apparent owner to be in another state;

6 (3) If the address under subsection (2) of this section is in another
7 state, the other state is deemed to be the state of the last known address of
8 the apparent owner;

9 (4) The address of the apparent owner of a life or endowment insurance
10 policy or annuity contract or its proceeds is presumed to be the address of
11 the insured or annuitant if a person other than the insured or annuitant is
12 entitled to the amount owed under the policy or contract and the address of
13 the other person is not known by the insurance company and cannot be deter-
14 mined under section 14-5-302, Idaho Code; and

15 (5) The address of the owner of other property where ownership vests in
16 a beneficiary upon the death of the owner is presumed to be the address of the
17 deceased owner if the address of the beneficiary is not known by the holder
18 and cannot be determined under section 14-5-302, Idaho Code.

19 14-5-302. ADDRESS OF APPARENT OWNER IN THIS STATE. The administrator
20 may take custody of property that is presumed abandoned, whether located in
21 this state, another state, or a foreign country if:

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

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

27 14-5-303. IF RECORDS SHOW MULTIPLE ADDRESSES OF APPARENT OWNER. (1)
28 Except as provided in subsection (2) of this section, if records of a holder
29 reflect multiple addresses for an apparent owner and this state is the state
30 of the most recently recorded address, this state may take custody of prop-
31 erty presumed abandoned, whether located in this state or another state.

32 (2) If it appears from records of the holder that the most recently
33 recorded address of the apparent owner under subsection (1) of this section
34 is a temporary address and this state is the state of the next most recently
35 recorded address that is not a temporary address, this state may take custody
36 of the property presumed abandoned.

37 14-5-304. HOLDER DOMICILED IN THIS STATE. (1) Except as in subsection
38 (2) of this section or section 14-5-302 or 14-5-303, Idaho Code, the admin-
39 istrator may take custody of property presumed abandoned, whether located in
40 this state, another state, or a foreign country, if the holder is domiciled
41 in this state or is this state or a governmental subdivision, agency, or in-
42 strumentality of this state and:

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

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

4 (2) If a holder's state of domicile has changed since the time property
5 was presumed abandoned, the holder's state of domicile pursuant to this sec-
6 tion is deemed to be the state where the holder was domiciled at the time the
7 property was presumed abandoned.

8 14-5-305. CUSTODY IF TRANSACTION TOOK PLACE IN THIS STATE. Except as
9 provided in section 14-5-302, 14-5-303, or 14-5-304, Idaho Code, the admin-
10 istrator may take custody of property presumed abandoned whether located
11 in this state or another state if the transaction out of which the property
12 arose took place in this state.

13 14-5-306. TRAVELER'S CHECK, MONEY ORDER, OR SIMILAR INSTRUMENT. The
14 administrator may take custody of sums payable on a traveler's check, money
15 order, or similar instrument presumed abandoned to the extent permissible
16 under 12 U.S.C. 2501 through 2503.

17 PART 4
18 REPORT BY HOLDER

19 14-5-401. REPORT REQUIRED BY HOLDER. (1) A holder of property presumed
20 abandoned and subject to the custody of the administrator shall report such
21 property in a record to the administrator. The administrator may not require
22 a holder to file a paper report and may prescribe the format of the report by
23 rule.

24 (2) A holder may contract with a third party to make the report required
25 under subsection (1) of this section.

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

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

30 (b) For paying or delivering to the administrator property described in
31 the report.

32 (4) The administrator may require a report confirming the holder holds
33 no property presumed abandoned.

34 14-5-402. CONTENT OF REPORT. (1) The report required under section
35 14-5-401, Idaho Code, must:

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

38 (b) If filed electronically, be in a secure format approved by the
39 administrator that protects confidential information of the apparent
40 owner in the same manner as required of the administrator and the admin-
41 istrator's agent under part 14 of this chapter;

42 (c) Describe the property;

43 (d) Except for a traveler's check, money order, or similar instrument,
44 contain the name, if known, last known address, if known, and social

1 security number or taxpayer identification number, if known or readily
2 ascertainable, of the apparent owner of property;

3 (e) For an amount held or owing under a life or endowment insurance pol-
4 icy, annuity contract, or other property where ownership rests in a ben-
5 efiticiary upon the death of the owner, contain the name and last known ad-
6 dress of the insured, annuitant, or other apparent owner of the policy
7 or contract and of the beneficiary;

8 (f) For property held in or removed from a safe deposit box, indicate
9 the location of the property and contents of the safe deposit box and any
10 amounts owed to the holder under section 14-5-606, Idaho Code;

11 (g) Contain the commencement date for determining abandonment under
12 part 2 of this chapter;

13 (h) State that the holder has complied with the notice requirements of
14 section 14-5-501, Idaho Code;

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

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

18 (2) A report required by section 14-5-401, Idaho Code, may include per-
19 sonal information as defined in section 14-5-1401, Idaho Code, about the ap-
20 parent owner or the apparent owner's property to the extent not otherwise
21 prohibited by federal law.

22 (3) If a holder has changed its name while holding property presumed
23 abandoned or is a successor to another person that previously held the prop-
24 erty for the apparent owner, the holder must include in the report required
25 by section 14-5-401, Idaho Code, its former name or the name of the previous
26 holder, if any, and the known name and address of each previous holder of the
27 property.

28 14-5-403. WHEN REPORT TO BE FILED. (1) The report required by section
29 14-5-401, Idaho Code, must be filed before November 1 of each year and cover
30 the twelve (12) months preceding July 1 of that year.

31 (2) Before the date for filing the report required by section 14-5-401,
32 Idaho Code, the holder of property presumed abandoned may request the admin-
33 istrator to extend the time for filing. The administrator may grant an ex-
34 tension. If the extension is granted, the holder may pay or make a partial
35 payment of the amount the holder estimates ultimately will be due.

36 (3) Within sixty (60) days of receiving a report of unclaimed property,
37 the administrator shall record the name and last known address, if avail-
38 able, of each person identified as the apparent owner of unclaimed property
39 that is in the unclaimed property account or is transferred to the general
40 fund. The record shall be available for public review on the state trea-
41 surer's website.

42 14-5-404. RETENTION OF RECORDS BY HOLDER. A holder required to file
43 a report under section 14-5-401, Idaho Code, shall retain records for ten
44 (10) years after the later of the date the report was filed or the last date
45 a timely report was due to be filed, unless a shorter period is provided by
46 rule of the administrator. The holder may satisfy the requirement to retain
47 records under this section through an agent. The records must contain:

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

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

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

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

5 (5) Working papers documenting items considered for reporting that
6 were not ultimately determined to represent unclaimed property, to allow
7 examination to determine whether the holder has complied with this chapter;

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

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

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

16 (9) Notices sent pursuant to section 14-5-501, Idaho Code, that have
17 been signed by the apparent owner and returned to the holder.

18 14-5-405. PROPERTY REPORTABLE AND PAYABLE OR DELIVERABLE ABSENT OWNER
19 DEMAND. Property is reportable and payable or deliverable under this chapter
20 even if the owner fails to make demand or present an instrument or document
21 otherwise required to obtain payment.

22 14-5-406. EXEMPTION FOR IDAHO COUNTIES AND CERTAIN NONPROFIT UTILI-
23 TIES. (1) Entities holding a certificate of exemption shall not be subject to
24 the provisions of this chapter, except as set forth in this section. The fol-
25 lowing shall be eligible for a certificate of exemption from the administra-
26 tor:

27 (a) Idaho counties; and

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

47 (c) The entity provides the administrator with the information re-
48 quired in the reports of abandoned property to enable the administrator

1 to maintain a complete central registry of all unclaimed property in the
2 state.

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

8 (4) In the alternative to subsections (1) through (3) of this section,
9 a nonprofit corporation identified in subsection (1) (b) of this section may
10 elect to be exempt from the provisions of this chapter that otherwise re-
11 quire it to report capital credits unclaimed by members. The nonprofit cor-
12 poration may do so by filing with the administrator a certification of the
13 secretary of the nonprofit corporation stating that the bylaws or policies
14 adopted by the members or the board of the nonprofit corporation specify the
15 procedures the nonprofit corporation uses to determine when capital credits
16 shall be determined to be unclaimed and the procedures that will be used to
17 attempt to locate and return such unclaimed credits to members. At the non-
18 profit corporation's election, such procedures may include publication by
19 the administrator. If the owner of the unclaimed capital credit has not been
20 located and the funds have not been returned within four (4) years after they
21 have been determined to be unclaimed, notwithstanding any other provision of
22 law to the contrary, the nonprofit corporation may use the funds for the ben-
23 efit of the general membership of the nonprofit corporation or for the commu-
24 nities it serves, as determined by its board of directors.

25 PART 5

26 NOTICE TO APPARENT OWNER OF PROPERTY PRESUMED ABANDONED

27 14-5-501. NOTICE TO APPARENT OWNER BY HOLDER. (1) Subject to the pro-
28 visions of subsections (2) and (3) of this section, the holder of property
29 presumed abandoned shall send to the apparent owner notice by first class
30 United States mail that complies with section 14-5-502, Idaho Code, no more
31 than one hundred eighty (180) days nor less than sixty (60) days before fil-
32 ing the report required by section 14-5-401, Idaho Code, if the holder has
33 in its records an address for the apparent owner that the holder's records do
34 not disclose to be invalid and is sufficient to direct the delivery of first
35 class United States mail to the apparent owner and the value of the property
36 is fifty dollars (\$50.00) or more.

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

43 (3) The holder of securities with a value of one thousand dollars
44 (\$1,000) or more presumed abandoned under section 14-5-207, Idaho Code,
45 shall send to the apparent owner notice by certified United States mail that
46 complies with section 14-5-502, Idaho Code, no more than one hundred eighty
47 (180) days nor less than sixty (60) days before filing the report required by
48 section 14-5-401, Idaho Code, if the holder has in its records an address for

1 the apparent owner that the holder's records do not disclose to be invalid
2 and is sufficient to direct the delivery of first class United States mail to
3 the apparent owner. A holder that has sent a certified mailing to an apparent
4 owner under this section may retain from the apparent owner's property the
5 sum of twenty dollars (\$20.00) as an expense reimbursement for such mailing.

6 (4) Prior to providing the notice to the apparent owner as provided in
7 subsections (1), (2), and (3) of this section, a holder may first attempt
8 to provide notice to the owner through a digital or electronic address pro-
9 vided to the holder by the owner. If the owner fails to affirmatively confirm
10 receipt of the notice or otherwise provide an indication of interest in the
11 subject property, the holder shall then attempt to reach the owner as pro-
12 vided for in subsections (1), (2), and (3) of this section.

13 14-5-502. CONTENTS OF NOTICE BY HOLDER. (1) Notice required by sec-
14 tion 14-5-501, Idaho Code, must contain a heading that reads substantially
15 as follows: "Notice. The state of Idaho requires us to notify you that your
16 property may be transferred to the custody of the state treasurer's office if
17 you do not contact us before (insert date that is thirty (30) days after the
18 date of this notice)."

19 (2) The notice required by section 14-5-501, Idaho Code, must:

20 (a) Identify the nature and, except for property that does not have a
21 fixed value, the value of the property that is the subject of the notice;

22 (b) State that the property will be turned over to the administrator;

23 (c) State that after the property is turned over to the administrator an
24 apparent owner that seeks return of the property must file a claim with
25 the administrator;

26 (d) State that property that is not legal tender of the United States
27 may be sold by the administrator;

28 (e) Provide instructions that the apparent owner must follow to prevent
29 the holder from reporting and paying or delivering the property to the
30 administrator; and

31 (f) Provide the name, address, and electronic mail address or telephone
32 number to contact the holder.

33 (3) The holder may supplement the required information by listing a
34 website where apparent owners may obtain more information about how to pre-
35 vent the holder from reporting and paying or delivering the property to the
36 administrator.

37 14-5-503. NOTICE BY ADMINISTRATOR. (1) The administrator shall give
38 notice to an apparent owner that property presumed abandoned and appearing
39 to be owned by the apparent owner is held by the administrator under this
40 chapter.

41 (2) In providing notice under subsection (1) of this section, the ad-
42 ministrator shall:

43 (a) Publish every three (3) months in at least one (1) newspaper of gen-
44 eral circulation in each county in this state notice of property held by
45 the administrator that must include:

46 (i) The internet web address of the unclaimed property website
47 maintained by the administrator;

1 (ii) A telephone number and electronic mail address to contact the
2 administrator to inquire about or claim property; and

3 (iii) A statement that a person may access the internet by a com-
4 puter to search for unclaimed property and that a computer may be
5 available as a service to the public at a local public library; and

6 (b) Maintain a website or database accessible by the public and elec-
7 tronically searchable that contains the names reported to the adminis-
8 trator of all apparent owners for whom property is being held by the ad-
9 ministrator. The website or database maintained under this subsection
10 must include instructions for filing with the administrator a claim to
11 property.

12 (3) In addition to giving the notice described under subsection (2)
13 of this section, the administrator may use other printed publications,
14 telecommunications, the internet, or other media to inform the public of the
15 existence of unclaimed property held by the administrator.

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

17 (a) Inform owners of abandoned property of the location and process for
18 retrieving such property, including participation in public events,
19 placement of media advertisements, and publication and distribution of
20 brochures or flyers; and

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

22 14-5-504. COOPERATION AMONG STATE OFFICERS AND AGENCIES TO LOCATE AP-
23 PARENT OWNER. Unless prohibited by law of this state other than this chap-
24 ter, on request of the administrator, each officer, agency, board, commis-
25 sion, division, and department of this state, any body politic and corporate
26 created by this state for a public purpose, and each political subdivision
27 of this state shall make its books and records available to the administra-
28 tor and cooperate with the administrator to determine the current address of
29 an apparent owner of property held by the administrator under this chapter
30 or to otherwise assist the administrator in the administration of this chap-
31 ter. The administrator may also enter into data-sharing agreements, includ-
32 ing agreements to exchange data for the purpose of locating apparent owners
33 and to enable such other governmental agencies to provide an additional no-
34 tice to apparent owners of property held by the administrator.

35 PART 6

36 TAKING CUSTODY OF PROPERTY BY ADMINISTRATOR

37 14-5-601. DEFINITION OF "GOOD FAITH." For the purposes of this part,
38 payment or delivery of property is made in good faith if a holder:

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

42 (2) Made payment or delivery:

43 (a) In response to a demand by the administrator or administrator's
44 agent; or

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

1 14-5-602. DORMANCY CHARGE. (1) A holder may deduct a dormancy charge
2 from property required to be paid or delivered to the administrator if:

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

6 (b) The holder regularly imposes the charge and regularly does not re-
7 verse or otherwise cancel the charge.

8 (2) A holder may not deduct an escheat fee or other similar charges im-
9 posed solely by virtue of the property being presumed abandoned.

10 (3) The amount of the deduction under this section is limited to an
11 amount that is not unconscionable considering all relevant factors, includ-
12 ing the marginal transactional costs incurred by the holder in maintaining
13 the apparent owner's property and any services received by the apparent
14 owner.

15 14-5-603. PAYMENT OR DELIVERY OF PROPERTY TO ADMINISTRATOR. (1) Ex-
16 cept as otherwise provided in this section, on filing a report required by
17 section 14-5-401, Idaho Code, the holder shall pay or deliver to the adminis-
18 trator the property described in the report.

19 (2) If property in a report required by section 14-5-401, Idaho Code,
20 is an automatically renewable deposit and a penalty or forfeiture in the pay-
21 ment of interest would result from paying the deposit to the administrator at
22 the time of the report, the date for payment of the property to the adminis-
23 trator shall be extended until a penalty or forfeiture no longer would result
24 from payment, as long as the holder informs the administrator of the extended
25 date.

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

28 (4) If property reported to the administrator under section 14-5-401,
29 Idaho Code, is a security, the administrator may:

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

33 (b) Dispose of the security pursuant to section 14-5-702, Idaho Code.

34 (5) If the holder of property reported to the administrator under sec-
35 tion 14-5-401, Idaho Code, is the issuer of a certificated security, the ad-
36 ministrator may obtain a replacement certificate in physical or book entry
37 form pursuant to section 28-8-405, Idaho Code, at no cost. An indemnity bond
38 is not required.

39 (6) The administrator shall establish procedures for the registration,
40 issuance, method of delivery, transfer, and maintenance of securities de-
41 livered to the administrator by a holder.

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

46 (8) A holder is not required to deliver to the administrator a security
47 identified by the holder as a non-freely transferable security in a report
48 filed under section 14-5-401, Idaho Code. If the administrator or holder de-
49 termines that a security is no longer a non-freely transferable security,

1 the holder shall deliver the security on the next regular date prescribed
2 for delivery of securities under this chapter. The holder shall make a de-
3 termination annually whether a security identified in a report filed under
4 section 14-5-401, Idaho Code, as a non-freely transferable security is no
5 longer a non-freely transferable security.

6 (9) Virtual currency shall be liquidated by the holder prior to filing
7 the report required under section 14-5-401, Idaho Code. An owner shall have
8 no recourse against either a holder who has acted in good faith or the admin-
9 istrator for any gain in value after liquidation.

10 14-5-604. EFFECT OF PAYMENT OR DELIVERY OF PROPERTY TO ADMINISTRA-
11 TOR. (1) On payment or delivery of property to the administrator under this
12 chapter, the administrator as agent for the state assumes custody and re-
13 sponsibility for safekeeping the property. A holder that pays or delivers
14 property to the administrator in good faith and substantially complies with
15 sections 14-5-501 and 14-5-502, Idaho Code, is relieved of all liability
16 that thereafter may arise or be made in respect to the property to the extent
17 of the value of the property so paid or delivered.

18 (2) In the event legal proceedings are instituted by any other state or
19 states in any state or federal court with respect to unclaimed funds or aban-
20 doned property previously paid or delivered to the administrator, the holder
21 shall give written notification to the administrator and the attorney gene-
22 ral of this state of such proceedings within ten (10) days after service
23 of process, or in the alternative at least ten (10) days before the return
24 date or date on which an answer or similar pleading is due (or any extension
25 thereof secured by the holder). The attorney general may take such action
26 as the attorney general deems necessary or expedient to protect the inter-
27 ests of the state of Idaho. The attorney general by written notice prior to
28 the return date or date on which an answer or similar pleading is due (or any
29 extension thereof secured by the holder), but in any event in reasonably suf-
30 ficient time for the holder to comply with the directions received, shall ei-
31 ther direct the holder actively to defend in such proceedings or that no de-
32 fense need be entered in such proceedings. If a direction is received from
33 the attorney general that the holder need not make a defense, such direction
34 shall not preclude the holder from entering a defense in its own name, if it
35 should so choose. However, any defense made by the holder on its own initia-
36 tive shall not entitle the holder to reimbursement for legal fees, costs, and
37 other expenses as provided in this section in respect to defenses made pur-
38 suant to the directions of the attorney general. If, after the holder has ac-
39 tively defended in such proceedings pursuant to a direction of the attorney
40 general, or has been notified in writing by the attorney general that no de-
41 fense need be made with respect to such funds, a judgment is entered against
42 the holder for any amount paid to the administrator under this chapter, the
43 administrator shall, upon being furnished with proof of payment in satisfac-
44 tion of such judgment, reimburse the holder the amount so paid. The adminis-
45 trator shall also reimburse the holder for any legal fees, costs, and other
46 directly related expenses incurred in legal proceedings undertaken pursuant
47 to the direction of the attorney general.

1 14-5-605. RECOVERY OF PROPERTY BY HOLDER FROM ADMINISTRATOR. (1) A
2 holder that under this chapter pays money to the administrator may file a
3 claim for reimbursement from the administrator of the amount paid if the
4 holder:

5 (a) Paid the money in error; or

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

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

16 (3) If a holder is reimbursed by the administrator under subsection
17 (1) (b) of this section, the holder may also recover from the administrator
18 income or gain under section 14-5-607, Idaho Code, that would have been paid
19 to the owner if the money had been claimed from the administrator by the owner
20 to the extent the income or gain was paid by the holder to the owner.

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

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

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

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

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

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

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

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

45 (a) Fourteen (14) days following receipt of the preliminary order; or

46 (b) One hundred four (104) days following the filing of a claim under
47 subsection (1) or (4) of this section in the case of a deemed denial un-
48 der subsection (8) of this section.

1 (10) A final order in an administrative proceeding initiated under sub-
2 section (9) of this section is subject to judicial review in accordance with
3 the provisions of chapter 52, title 67, Idaho Code.

4 (11) A holder may not claim or otherwise recover from the administra-
5 tor intangible property with a value of less than fifty dollars (\$50.00) that
6 was previously voluntarily reported to the administrator, except for pur-
7 poses of reimbursement of the holder for a claim paid directly to a reappear-
8 ing owner.

9 14-5-606. PROPERTY REMOVED FROM SAFE DEPOSIT BOX. Property removed
10 from a safe deposit box and delivered to the administrator under this chapter
11 is subject to the holder's right to reimbursement for the cost of opening the
12 box and a lien or contract providing reimbursement to the holder for unpaid
13 rent charges for the box. The administrator shall reimburse the holder from
14 the proceeds remaining after deducting the expense incurred by the adminis-
15 trator in selling the property.

16 14-5-607. CREDITING INCOME OR GAIN TO OWNER'S ACCOUNT. If property
17 other than money is delivered to the administrator, the owner is entitled
18 to receive from the administrator income or gain realized or accrued on the
19 property before the property is sold. Interest on money is not payable to an
20 owner for periods when the property is in the possession of the administra-
21 tor.

22 14-5-608. ADMINISTRATOR'S OPTIONS AS TO CUSTODY. (1) The administra-
23 tor may decline to take custody of property reported under section 14-5-401,
24 Idaho Code, if the administrator determines that:

25 (a) The property has a value less than the estimated expenses of notice
26 and sale of the property; or

27 (b) Taking custody of the property would be unlawful.

28 (2) A holder may pay or deliver property to the administrator before the
29 property is presumed abandoned under this chapter if the holder:

30 (a) Sends the apparent owner of the property notice required by sec-
31 tion 14-5-501, Idaho Code, and provides the administrator evidence of
32 the holder's compliance with this paragraph;

33 (b) Includes with the payment or delivery a report regarding the prop-
34 erty conforming to section 14-5-402, Idaho Code; and

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

37 (3) A holder's request for the administrator's consent under subsec-
38 tion (2) (c) of this section must be in a record. If the administrator fails
39 to respond to the request no later than thirty (30) days after receipt of the
40 request, the administrator is deemed to consent to the payment or delivery of
41 the property and the payment or delivery is considered to have been made in
42 good faith.

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

45 14-5-609. DISPOSITION OF PROPERTY HAVING NO SUBSTANTIAL VALUE -- IM-
46 MUNITY FROM LIABILITY. (1) If the administrator takes custody of property

1 delivered under this chapter and later determines that the property has no
2 substantial commercial value or that the cost of disposing of the property
3 will exceed the value of the property, the administrator may return the prop-
4 erty to the holder or destroy or otherwise dispose of the property.

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

9 14-5-610. PERIODS OF LIMITATION AND REPOSE. (1) Expiration before,
10 on, or after July 1, 2023, of a period of limitation on an owner's right to re-
11 ceive or recover property, whether specified by contract, statute, or court
12 order, does not prevent the property from being presumed abandoned or affect
13 the duty of a holder under this chapter to file a report or pay or deliver
14 property to the administrator.

15 (2) The administrator may not commence an action or proceeding to en-
16 force this chapter with respect to the reporting, payment, or delivery of
17 property more than ten (10) years after the holder filed a nonfraudulent re-
18 port with the administrator. The parties may agree in a record to extend the
19 limitation in this subsection.

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

23 PART 7

24 SALE OF PROPERTY BY ADMINISTRATOR

25 14-5-701. PUBLIC SALE OF PROPERTY. (1) Subject to the provisions of
26 section 14-5-702, Idaho Code, the administrator may sell property presumed
27 abandoned.

28 (2) Before selling property under subsection (1) of this section, the
29 administrator shall give notice to the public of:

30 (a) The date of the sale; and

31 (b) A reasonable description of the property.

32 (3) A sale made under subsection (1) of this section must be to the high-
33 est bidder:

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

36 (b) On the internet; or

37 (c) On another forum the administrator determines is likely to yield
38 the highest net proceeds of sale.

39 (4) The administrator may decline the highest bid at a sale held under
40 this section and reoffer the property for sale if the administrator deter-
41 mines the highest bid is insufficient.

42 (5) The administrator shall publish at least one (1) notice in the offi-
43 cial newspaper of each Idaho county at least three (3) weeks but not more than
44 five (5) weeks in advance of any sale held pursuant to this section.

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

1 14-5-702. DISPOSAL OF SECURITIES. Securities listed on an established
2 stock exchange must be sold at prices prevailing at the time of sale on the
3 exchange. Other securities may be sold over the counter at prices prevailing
4 at the time of sale or by any other method the administrator considers advis-
5 able.

6 14-5-703. RECOVERY OF SECURITIES OR VALUE BY OWNER. A person making a
7 claim under this chapter is entitled to receive either the securities de-
8 livered to the administrator by the holder, if they still remain in posses-
9 sion of the administrator, or the proceeds received from the sale, less any
10 amounts deducted pursuant to section 14-5-801(4), Idaho Code, but no person
11 has any claim under this chapter against the state, the holder, or any trans-
12 fer agent, registrar, or other person acting for or on behalf of a holder for
13 any appreciation in the value of the property occurring after delivery by the
14 holder to the administrator.

15 14-5-704. PURCHASER OWNS PROPERTY AFTER SALE. A purchaser of property
16 at a sale conducted by the administrator under this chapter takes the prop-
17 erty free of all claims of the owner, a previous holder, or a person claiming
18 through the owner or holder. The administrator shall execute documents nec-
19 essary to complete the transfer of ownership to the purchaser.

20 14-5-705. MILITARY MEDAL OR DECORATION. (1) The administrator may not
21 sell a medal or decoration awarded for military service in the armed forces
22 of the United States.

23 (2) The administrator, with the consent of the respective organization
24 under paragraph (a), agency under paragraph (b), or entity under paragraph
25 (c) of this subsection, may deliver a medal or decoration described in sub-
26 section (1) of this section, to be held in custody for the owner, to:

27 (a) A military veterans organization qualified under the Internal Rev-
28 enue Code, as amended, 26 U.S.C. 501(c)(19);

29 (b) The agency that awarded the medal or decoration; or

30 (c) A governmental entity.

31 (3) On delivery under subsection (2) of this section, the administrator
32 is not responsible for safekeeping the medal or decoration.

33 PART 8
34 ADMINISTRATION OF PROPERTY

35 14-5-801. DISPOSITION OF MONEY RECEIVED. (1) All moneys received un-
36 der this chapter, including the proceeds from the sale of property under sec-
37 tion 14-5-701, Idaho Code, shall be deposited in the unclaimed property ac-
38 count.

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

41 (a) All moneys designated by law for escheatment to the public school
42 permanent endowment fund created pursuant to section 4, article IX of
43 the constitution of the state of Idaho may be redeemed by the owner, upon
44 satisfaction of the requirements for redemption established in rule by
45 the administrator, if claimed within a period of ten (10) years from the

1 date the property is subject to the custody of the state under this chap-
2 ter. Upon the conclusion of such redemption period, unredeemed moneys
3 shall escheat to the public school permanent endowment fund;

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

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

11 (3) Moneys in the unclaimed property account shall be distributed as
12 follows:

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

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

20 (4) All moneys in the unclaimed property account are hereby continu-
21 ously appropriated to the state treasurer, without regard to fiscal years,
22 for expenditure in accordance with law in carrying out and enforcing the
23 provisions of this chapter, including but not limited to the following pur-
24 poses:

25 (a) For payment of claims allowed by the state treasurer under the pro-
26 visions of this chapter;

27 (b) For refund to the person making such deposit of amounts, including
28 overpayments, deposited in error in such account;

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

31 (d) For payment of the cost incurred by the state treasurer for the pur-
32 chase of lost instrument indemnity bonds, or for payment to the person
33 entitled thereto, for any unpaid lawful charges or costs that arose from
34 holding any specific property or any specific funds that were delivered
35 or paid to the state treasurer or that arose from complying with this
36 chapter with respect to such property or funds;

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

39 (f) For payment of costs of official advertising in connection with the
40 sale of property held in the name of the account;

41 (g) For transfer to the general fund as provided in subsection (3) of
42 this section;

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

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

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

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

1 (l) For reasonable service charges; and
2 (m) For expenses arising from legal proceedings under section 14-5-604
3 or 14-5-1203, Idaho Code.

4 (5) At the end of each fiscal year, or more often, if the state trea-
5 surer deems it advisable, the state treasurer shall transfer all money in
6 the unclaimed property account in excess of five hundred thousand dollars
7 (\$500,000) to the general fund.

8 14-5-802. ADMINISTRATOR TO RETAIN RECORDS OF PROPERTY. (1) The admin-
9 istrator shall:

10 (a) Record and retain the name and last known address of each person
11 shown on a report filed under section 14-5-401, Idaho Code, to be the ap-
12 parent owner of property delivered to the administrator;

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

15 (c) For each policy of insurance or annuity contract listed in the re-
16 port of an insurance company, record and retain the policy or account
17 number, the name of the company, and the amount due or paid shown on the
18 report;

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

21 (e) Maintain records sufficient to indicate the filing of reports re-
22 quired under section 14-5-401, Idaho Code, and the payment or delivery
23 of property to the administrator under section 14-5-603, Idaho Code.

24 (2) Records created or maintained pursuant to this section shall be
25 subject to the requirements of section 74-106(33), Idaho Code.

26 14-5-803. ADMINISTRATOR HOLDS PROPERTY AS CUSTODIAN FOR OWNER. Prop-
27 erty received by the administrator under this chapter is held in custody for
28 the benefit of the owner and is not owned by the state.

29 PART 9

30 CLAIM TO RECOVER PROPERTY FROM ADMINISTRATOR

31 14-5-901. CLAIM OF ANOTHER STATE TO RECOVER PROPERTY. (1) If the ad-
32 ministrator knows that property held by the administrator under this chapter
33 is subject to a superior claim of another state, the administrator shall:

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

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

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

39 14-5-902. WHEN PROPERTY SUBJECT TO RECOVERY BY ANOTHER STATE. (1)
40 Property held by the administrator under this chapter is subject to the right
41 of another state to take custody of the property if:

42 (a) The property was paid or delivered to the administrator because the
43 records of the holder did not reflect a last known address in the other
44 state of the apparent owner and:

- 1 (i) The other state establishes that the last known address of the
 2 apparent owner or other person entitled to the property was in the
 3 other state; or
 4 (ii) Under the law of the other state, the property has become sub-
 5 ject to a claim of abandonment by the other state;
- 6 (b) The records of the holder did not accurately identify the owner of
 7 the property, the last known address of the owner was in another state,
 8 and, under the law of the other state, the property has become subject to
 9 a claim of abandonment by the other state;
- 10 (c) The property was subject to the custody of the administrator of
 11 this state under section 14-5-305, Idaho Code, and, under the law of the
 12 state of domicile of the holder, the property has become subject to a
 13 claim of abandonment by the state of domicile of the holder; or
- 14 (d) The property:
- 15 (i) Is a sum payable on a traveler's check, money order, or simi-
 16 lar instrument that was purchased in the other state and delivered
 17 to the administrator under section 14-5-306, Idaho Code; and
 18 (ii) Under the law of the other state, has become subject to a
 19 claim of abandonment by the other state.
- 20 (2) A claim by another state to recover property under this section must
 21 be presented in a form prescribed by the administrator, unless the adminis-
 22 trator waives presentation of the form.
- 23 (3) The administrator shall decide a claim under this section no later
 24 than ninety (90) days after it is presented. If the administrator determines
 25 that the other state is entitled under subsection (1) of this section to cus-
 26 tody of the property, the administrator shall allow the claim and pay or de-
 27 liver the property to the other state.
- 28 (4) The administrator may require another state, before recovering
 29 property under this section, to agree to indemnify this state and its agents,
 30 officers, and employees against any liability on a claim to the property.

31 14-5-903. CLAIM FOR PROPERTY BY PERSON CLAIMING TO BE OWNER. (1) A per-
 32 son claiming to be the owner of property held under this chapter or the pro-
 33 ceeds from the sale thereof by the administrator may file a claim for the
 34 property on a form prescribed by the administrator. The claimant must ver-
 35 ify the claim as to its completeness and accuracy.

- 36 (2) The administrator may waive the requirement in subsection (1) of
 37 this section and may pay or deliver property directly to a person if:
- 38 (a) The person receiving the property or payment is shown to be the ap-
 39 parent owner included on a report filed under section 14-5-401, Idaho
 40 Code;
- 41 (b) The administrator reasonably believes the person is entitled to re-
 42 ceive the property or payment; and
- 43 (c) The property has a value of less than that established by the admin-
 44 istrator in rule.

45 14-5-904. WHEN ADMINISTRATOR MUST HONOR CLAIM FOR PROPERTY. (1) The
 46 administrator shall pay or deliver property to a claimant under section
 47 14-5-903(1), Idaho Code, if the administrator receives a complete claim

1 providing evidence sufficient to establish to the satisfaction of the admin-
2 istrator that the claimant is the owner of the property.

3 (2) A claim is complete when a claimant has provided all the information
4 and documentation requested by the administrator as necessary to establish
5 legal ownership and such information or documentation is entered into the
6 administrator's unclaimed property system.

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

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

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

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

22 (a) The administrator shall issue a recommended order under section
23 67-5243, Idaho Code, specifying what additional evidence, if any, is
24 required for the claim to be allowed; and

25 (b) Within fourteen (14) days of the service date of the recommended or-
26 der, the claimant may file an amended claim with the administrator. The
27 amended claim shall be a motion for reconsideration pursuant to section
28 67-5243 (3), Idaho Code.

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

32 (8) A claim that is administratively closed or is denied without action
33 under section 14-5-906, Idaho Code, may be resubmitted by the claimant as a
34 new claim.

35 14-5-905. ALLOWANCE OF CLAIM FOR PROPERTY. (1) If a claim is allowed
36 under section 14-5-904 (3), Idaho Code:

37 (a) Except upon election of donation as authorized in paragraph (c) of
38 this subsection, the administrator shall pay or deliver to the owner the
39 property or pay to the owner the net proceeds of a sale of the property,
40 together with income or gain to which the owner is entitled under sec-
41 tion 14-5-607, Idaho Code. On request of the owner, the administrator
42 may sell or liquidate a security and pay the net proceeds to the owner,
43 even if the security had been held by the administrator for less than
44 three (3) years;

45 (b) If the property claimed was interest-bearing to the owner on the
46 date of surrender by the holder, the administrator also shall pay inter-
47 est at a rate of five percent (5%) a year or any lesser rate the property
48 earned while in the possession of the holder. Interest begins to accrue
49 when the property is delivered to the administrator and ceases on the

1 earlier of the expiration of ten (10) years after delivery or the date on
2 which payment is made to the owner; and

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

12 (2) Any holder who pays the owner for property that has been delivered
13 to the state and that, if claimed from the administrator, would be subject
14 to the provisions of subsection (1) (b) of this section shall add interest as
15 provided in subsection (1) (b) of this section. The added interest must be
16 repaid to the holder by the administrator in the same manner as the princi-
17 pal.

18 (3) Property held by the administrator under this chapter 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 as to which notice has been recorded with the
28 secretary of state or the state tax commission.

29 (4) 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 of
31 the property, the administrator first shall apply the property or net pro-
32 ceeds to a debt under subsection (3) of this section the administrator deter-
33 mines is owed by the owner. The administrator shall pay the amount to the ap-
34 propriate state or local agency.

35 14-5-906. ACTION BY PERSON WHOSE CLAIM IS DENIED. A person aggrieved
36 by a denial of a claim by the administrator or whose claim has not been acted
37 upon within the time provided in section 14-5-904 (3), Idaho Code, may obtain
38 a review as provided in section 67-5244, Idaho Code, by filing a written
39 exception with the state treasurer or the state treasurer's designee within
40 fourteen (14) days after the service date of the recommended order, unless
41 tolled by the filing of a motion for reconsideration pursuant to section
42 67-5243 (3), Idaho Code, or fourteen (14) days after the time period for is-
43 suing the denial has lapsed. The state treasurer or the state treasurer's
44 designee shall issue a final order pursuant to section 67-5246, Idaho Code.
45 Reconsideration and judicial review of any final order shall be as provided
46 in section 67-5270, Idaho Code.

47 14-5-907. PAYMENT AND DELIVERY EXCLUSIVELY TO OWNER. (1) Except as
48 provided in this section and notwithstanding any provision of law requiring

1 otherwise, including but not limited to the provisions of chapter 12, title
 2 15, Idaho Code, the administrator shall pay or deliver property exclusively
 3 in the name of and to the person determined to be the legal or beneficial
 4 owner of the property pursuant to section 14-5-904, Idaho Code. Upon sub-
 5 mission of evidence of appointment satisfactory to the administrator, the
 6 administrator shall pay or deliver property to a court-appointed guardian of
 7 an incapacitated person or a minor. Upon submission of evidence of authority
 8 satisfactory to the administrator, the administrator shall pay or deliver
 9 property to the parent of a minor.

10 (2) The administrator is not bound by any terms of a purported power of
 11 attorney or assignment that may be presented as having been executed by the
 12 purported owner, heir, legatee, or fiduciary of the estate of the deceased
 13 owner of property reported under this chapter.

14 PART 10

15 VERIFIED REPORT OF PROPERTY -- EXAMINATION OF RECORDS

16 14-5-1001. VERIFIED REPORT OF PROPERTY. If a person does not file a re-
 17 port required by section 14-5-401, Idaho Code, or the administrator believes
 18 that a person may have filed an inaccurate, incomplete, or false report, the
 19 administrator may require the person to file a verified report in a form pre-
 20 scribed by the administrator. The verified report must:

21 (1) State whether the person is holding property reportable under this
 22 chapter;

23 (2) Describe property not previously reported or about which the admin-
 24 istrator has inquired;

25 (3) Specifically identify property described under subsection (2)
 26 about which there is a dispute whether it is reportable under this chapter;
 27 and

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

29 14-5-1002. EXAMINATION OF RECORDS TO DETERMINE COMPLIANCE. The admin-
 30 istrator, at reasonable times and on reasonable notice, may:

31 (1) Examine the records of any person, even if the person believes it
 32 is not in possession of any property that must be reported paid or delivered
 33 under this chapter, and examine the appropriate records in the possession
 34 of an agent of the person under examination to determine whether the person
 35 has complied with this chapter even if the person believes it is not in pos-
 36 session of any property that must be reported, paid, or delivered under this
 37 chapter;

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

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

41 14-5-1003. RULES FOR CONDUCTING EXAMINATION. (1) The administrator
 42 shall adopt rules governing procedures and standards for an examination
 43 under section 14-5-1002, Idaho Code. The rules may reference any standards
 44 concerning unclaimed property examinations promulgated by the national as-
 45 sociation of unclaimed property administrators and shall make provisions
 46 for multistate examinations.

1 (2) After the adoption of rules under subsection (1) of this section,
2 an examination conducted under section 14-5-1002, Idaho Code, must be per-
3 formed under such rules adopted under subsection (1) of this section.

4 (3) If a person subject to examination under section 14-5-1002, Idaho
5 Code, has filed the reports required under sections 14-5-401 and 14-5-1001,
6 Idaho Code, and has retained the records required by section 14-5-404, Idaho
7 Code, the following rules apply:

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

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

11 (c) The person conducting the examination shall consider the evidence
12 presented in good faith by the person in preparing the findings of the
13 examination under section 14-5-1007, Idaho Code.

14 14-5-1004. RECORDS OBTAINED IN EXAMINATION. Records obtained by and
15 records, including work papers, compiled by the administrator or the admin-
16 istrator's agent in the course of conducting an examination under section
17 14-5-1002, Idaho Code:

18 (1) Are subject to the confidentiality and security provisions of part
19 14 of this chapter and are exempt from disclosure under chapter 1, title 74,
20 Idaho Code;

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

23 (3) May be used in a joint examination conducted with another state, the
24 United States, a foreign country or subordinate unit of a foreign country, or
25 any other governmental entity if the governmental entity conducting the ex-
26 amination is legally bound to maintain the confidentiality and security of
27 information obtained from a person subject to examination in a manner sub-
28 stantially equivalent to the provisions of part 14 of this chapter;

29 (4) May be disclosed, on request, to the person that administers the un-
30 claimed property law of another state for that state's use in circumstances
31 equivalent to circumstances described in this part, if the other state is re-
32 quired to maintain the confidentiality and security of information obtained
33 in a manner substantially equivalent to the provisions of part 14 of this
34 chapter;

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

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

40 14-5-1005. EVIDENCE OF UNPAID DEBT OR UNDISCHARGED OBLIGATION. (1) A
41 record of a holder showing an unpaid debt or undischarged obligation is ac-
42 cepted as correct until proven otherwise.

43 (2) A holder may establish by a preponderance of the evidence that there
44 is no unpaid debt or undischarged obligation or that the debt or obligation
45 was not, or no longer is, a fixed and certain obligation of the putative
46 holder.

1 (3) A holder may overcome evidence under subsection (1) of this section
2 by establishing by a preponderance of the evidence that a check, draft, or
3 similar instrument was:

4 (a) Issued as an unaccepted offer in settlement of an unliquidated
5 amount;

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

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

9 (d) Paid, satisfied, or discharged;

10 (e) Issued in error;

11 (f) Issued without consideration;

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

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

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

17 14-5-1006. FAILURE OF PERSON EXAMINED TO RETAIN RECORDS. If a person
18 subject to examination under section 14-5-1002, Idaho Code, does not retain
19 the records required by section 14-5-404, Idaho Code, the administrator may
20 determine the value of property due using a reasonable method of estimation
21 based on all information available to the administrator, including extrap-
22 olation and use of statistical sampling when appropriate and necessary,
23 consistent with examination procedures and standards adopted under section
24 14-5-1003, Idaho Code. A payment made based on estimation under this sec-
25 tion is a penalty for failure to maintain the records required by section
26 14-5-404, Idaho Code, and does not relieve a person from an obligation to
27 report and deliver property to a state in which the holder is domiciled.

28 14-5-1007. REPORT TO PERSON WHOSE RECORDS WERE EXAMINED. At the
29 conclusion of an examination under section 14-5-1002, Idaho Code, the ad-
30 ministrator or the administrator's agent shall provide to the person whose
31 records were examined a complete and unredacted examination report that
32 specifies:

33 (1) The work performed;

34 (2) The property types reviewed;

35 (3) The methodology of any estimation technique, extrapolation, or
36 statistical sampling used in conducting the examination;

37 (4) Each calculation showing the value of property determined to be
38 due; and

39 (5) The findings of the person conducting the examination.

40 14-5-1008. INFORMAL CONFERENCE DURING EXAMINATION. If a person sub-
41 ject to examination under section 14-5-1002, Idaho Code, believes the person
42 conducting the examination has made an unreasonable or unauthorized request
43 or is not proceeding expeditiously to complete the examination, the person
44 in a record may request an informal conference with the administrator.

45 14-5-1009. ADMINISTRATOR'S CONTRACT WITH ANOTHER TO CONDUCT EXAMINA-
46 TION. The administrator may contract with a person to conduct an examination

1 under this part. The contract may provide for compensation of the person
2 based on a fixed fee, hourly fee, or contingent fee. However, a contingent
3 fee may not provide for a payment that exceeds fifteen percent (15%) of the
4 amount or value of property paid or delivered as a result of the examination.

5 14-5-1010. DETERMINATION OF LIABILITY FOR UNREPORTED REPORTABLE
6 PROPERTY. Holders shall not be entitled to a contested case hearing. If
7 the administrator determines from an examination conducted under section
8 14-5-1002, Idaho Code, that a putative holder failed or refused to pay or
9 deliver to the administrator property that is reportable under this chapter,
10 the administrator shall issue a determination of the putative holder's li-
11 ability to pay or deliver and give notice in a record to the putative holder
12 of the determination. The administrator's determination shall be a recom-
13 mended order pursuant to section 67-5243(3), Idaho Code.

14 PART 11
15 DECLARATION OF LIABILITY -- PUTATIVE HOLDER REMEDIES

16 14-5-1101. INFORMAL CONFERENCE FOLLOWING DETERMINATION OF LIABIL-
17 ITY. (1) No later than thirty (30) days after receipt of a notice under
18 section 14-5-1010, Idaho Code, the putative holder may request an informal
19 conference with the administrator to review the determination. The request
20 shall be a request to initiate informal disposition pursuant to section
21 67-5241, Idaho Code. Except as otherwise provided in this section, the ad-
22 ministrator may designate an employee to act on behalf of the administrator.

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

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

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

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

32 (d) The request tolls the fourteen (14) day period under section 14-5-
33 1102, Idaho Code, until the putative holder withdraws the request for
34 the informal conference;

35 (e) The informal conference may be postponed, adjourned, and recon-
36 vened as the administrator determines appropriate; and

37 (f) The administrator or administrator's designee with the approval of
38 the administrator shall affirm, modify, or withdraw the recommended or-
39 der made under section 14-5-1010, Idaho Code, no later than twenty (20)
40 days after the informal conference ends.

41 (3) An informal conference held under subsection (2) of this section is
42 not a contested case subject to the provisions of chapter 52, title 67, Idaho
43 Code, and the putative holder shall not be entitled to a contested case hear-
44 ing. An oath is not required and rules of evidence do not apply in the infor-
45 mal conference.

46 (4) At an informal conference held under subsection (2) of this sec-
47 tion, the putative holder must be given an opportunity to confer informally

1 with the administrator and the person that examined the records of the puta-
2 tive holder to:

3 (a) Discuss the determination made under section 14-5-1010, Idaho
4 Code; and

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

6 (5) If the administrator fails to act within the period prescribed in
7 subsection (2) (a) or (f) of this section, the recommended order shall be
8 deemed affirmed. The failure does not affect a right of the administrator,
9 except that interest does not accrue on the amount for which the putative
10 holder was determined to be liable under section 14-5-1010, Idaho Code, dur-
11 ing the period in which the administrator failed to act until the earlier of:

12 (a) The date under section 14-5-1102, Idaho Code, the putative holder
13 initiates review of the recommended order; or

14 (b) Ninety (90) days after the putative holder received notice of the
15 administrator's determination under section 14-5-1010, Idaho Code, if
16 no review was initiated under section 14-5-1102, Idaho Code.

17 (6) The administrator may hold an informal conference with a putative
18 holder about a determination under section 14-5-1010, Idaho Code, without a
19 request at any time before the putative holder initiates administrative re-
20 view under section 14-5-1102, Idaho Code.

21 (7) Interest and penalties under section 14-5-1204, Idaho Code, con-
22 tinue to accrue on property not reported, paid, or delivered as required by
23 this chapter after the initiation, and during the pendency, of an informal
24 conference under this section.

25 14-5-1102. ADMINISTRATIVE AND JUDICIAL REVIEW. (1) A putative holder
26 may seek administrative review of a recommended order issued under section
27 14-5-1010, Idaho Code, or affirmed or modified under section 14-5-1101,
28 Idaho Code, as provided in section 67-5244, Idaho Code, by filing a written
29 exception with the state treasurer or the state treasurer's designee within
30 fourteen (14) days after the service date of the recommended order, unless
31 tolled by the filing of a request for an informal conference pursuant to sec-
32 tion 14-5-1101.

33 (2) The state treasurer or the state treasurer's designee shall issue a
34 final order pursuant to section 67-5246, Idaho Code.

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

37
38

PART 12 ENFORCEMENT BY ADMINISTRATOR

39 14-5-1201. ACTION TO ENFORCE LIABILITY. (1) If a determination under
40 section 14-5-1010, Idaho Code, becomes final and is not subject to adminis-
41 trative review, the administrator may commence an action in state district
42 court in Ada county, Boise, Idaho, or in an appropriate court of another
43 state to enforce the determination and secure payment or delivery of past
44 due, unpaid, or undelivered property. The action must be brought no later
45 than three (3) years after the determination becomes final.

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

4 (3) The collection and enforcement procedures provided by sections
5 63-3042 through 63-3065A, Idaho Code, but excluding section 63-3045(7),
6 Idaho Code, shall apply and be available to the state treasurer for enforce-
7 ment of the provisions of this chapter. Collection of any property required
8 to be transferred shall be treated in the same manner as taxes due to the
9 state of Idaho. Wherever liens or any other proceedings are defined as in-
10 come tax liens or proceedings, they shall, when applied in enforcement of
11 this chapter, be described as unclaimed property liens and proceedings.

12 14-5-1202. INTERSTATE AND INTERNATIONAL AGREEMENT -- COOPERA-
13 TION. (1) Subject to subsection (2) of this section, the administrator may:

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

17 (b) Authorize in a record another state or foreign country or a person
18 acting on behalf of the other state or country to examine its records of
19 a putative holder as provided in part 10 of this chapter.

20 (2) An exchange or examination under subsection (1) of this section may
21 be done only if the state or foreign country has confidentiality and security
22 requirements substantially equivalent to those in part 14 of this chapter or
23 agrees in a record to be bound by this state's confidentiality and security
24 requirements.

25 14-5-1203. ACTION INVOLVING ANOTHER STATE OR FOREIGN COUNTRY. (1) The
26 administrator may join another state or foreign country to examine and seek
27 enforcement of this chapter against a putative holder.

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

32 (3) The administrator may request the official authorized to enforce
33 the unclaimed property law of another state or foreign country to commence an
34 action to recover property in the other state or country on behalf of the ad-
35 ministrator. This state may pay the costs, including reasonable attorney's
36 fees and expenses, incurred by the other state or foreign country in an ac-
37 tion under this subsection.

38 (4) The administrator may pursue an action on behalf of this state to
39 recover property subject to this chapter but delivered to the custody of an-
40 other state if the administrator believes the property is subject to the cus-
41 tody of the administrator.

42 (5) At the request of the administrator, the attorney general may com-
43 mence an action to recover property on behalf of the administrator in this
44 state, another state, or a foreign country. With the written consent of the
45 attorney general, the administrator may retain an attorney in this state,
46 another state, or a foreign country to recover property on behalf of the ad-
47 ministrator in this state, another state, or a foreign country and may agree

1 to pay attorney's fees based in whole or in part on a fixed fee, hourly fee, or
2 a percentage of the amount or value of property recovered in the action.

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

7 14-5-1204. INTEREST AND PENALTY FOR FAILURE TO ACT IN TIMELY MAN-
8 NER. (1) A holder that fails to report, pay, or deliver property within the
9 time prescribed by this chapter shall pay to the administrator interest at an
10 annual rate of twelve percent (12%) on the property or value of the property
11 from the date the property should have been reported, paid, or delivered to
12 the administrator until the date reported, paid, or delivered.

13 (2) Except as otherwise provided in section 14-5-1205 or 14-5-1206,
14 Idaho Code, the administrator may require a holder that fails to report, pay,
15 or deliver property within the time prescribed by this chapter to pay to the
16 administrator, in addition to interest included under subsection (1) of this
17 section, a civil penalty of two hundred dollars (\$200) for each day the duty
18 is not performed, up to a cumulative maximum amount of five thousand dollars
19 (\$5,000).

20 14-5-1205. OTHER CIVIL PENALTIES. (1) If a holder enters into a con-
21 tract or other arrangement for the purpose of evading an obligation under
22 this chapter or otherwise willfully fails to perform a duty imposed on
23 the holder under this chapter, the administrator may require the holder
24 to pay the administrator, in addition to interest as provided in section
25 14-5-1204(1), Idaho Code, a civil penalty of one thousand dollars (\$1,000)
26 for each day the obligation is evaded or the duty is not performed, up to a
27 cumulative maximum amount of twenty-five thousand dollars (\$25,000), plus
28 twenty-five percent (25%) of the amount or value of property that should have
29 been but was not reported, paid, or delivered as a result of the evasion or
30 failure to perform.

31 (2) If a holder makes a fraudulent report under this chapter, the ad-
32 ministrator may require the holder to pay to the administrator, in addition
33 to interest under section 14-5-1204(1), Idaho Code, a civil penalty of one
34 thousand dollars (\$1,000) for each day from the date the report was made un-
35 til corrected, up to a cumulative maximum of twenty-five thousand dollars
36 (\$25,000), plus twenty-five percent (25%) of the amount or value of any prop-
37 erty that should have been reported but was not included in the report or was
38 underreported.

39 14-5-1206. WAIVER OF INTEREST AND PENALTY. The administrator may
40 waive, in whole or in part, interest under section 14-5-1204(1), Idaho Code,
41 and penalties under section 14-5-1204(2) or 14-5-1205, Idaho Code.

42 PART 13

43 AGREEMENT TO LOCATE PROPERTY OF APPARENT OWNER HELD BY ADMINISTRATOR

44 14-5-1301. WHEN AGREEMENT TO LOCATE PROPERTY VOID. (1) Subject to sub-
45 section (2) of this section, an agreement to locate property held by the ad-

1 administrator is void if it is entered into during the period beginning on the
 2 date the property was presumed abandoned by a holder to the administrator and
 3 ending twenty-four (24) months after the payment or delivery.

4 (2) 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 14-5-1302. RIGHT OF AGENT OF APPARENT OWNER TO INFORMATION CONCERN-
 9 ING PROPERTY HELD BY ADMINISTRATOR. (1) Subject to the provisions of section
 10 14-5-907, Idaho Code, an apparent owner may authorize an attorney to act as
 11 an agent or designate an agent pursuant to the provisions of chapter 12, ti-
 12 tle 15, Idaho Code.

13 (2) Upon submission of evidence of authority satisfactory to the ad-
 14 ministrator, the administrator shall give the agent of the apparent owner, a
 15 court-appointed guardian of the apparent owner, or the parent of a minor all
 16 information concerning the property that the apparent owner is entitled to
 17 receive, including information that otherwise is confidential information
 18 under section 14-5-1402, Idaho Code.

19 PART 14

20 CONFIDENTIALITY AND SECURITY OF INFORMATION

21 14-5-1401. DEFINITION OF "PERSONAL INFORMATION" -- APPLICABIL-
 22 ITY. (1) As used in this part, "personal information" means:

23 (a) Information that identifies or reasonably can be used to identify
 24 an individual, such as first and last name in combination with the indi-
 25 vidual's:

26 (i) Social security number or other government-issued number or
 27 identifier;

28 (ii) Date of birth;

29 (iii) Home or physical address;

30 (iv) Electronic mail address or other online contact information
 31 or internet provider address;

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

33 (vi) Biometric data, health or medical data, or insurance infor-
 34 mation; or

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

37 (b) Personally identifiable financial or insurance information, in-
 38 cluding nonpublic personal information defined by applicable federal
 39 law; and

40 (c) Any combination of data that if accessed, disclosed, modified,
 41 or destroyed without authorization of the owner of the data or if lost
 42 or misused would require notice or reporting under sections 28-51-104
 43 through 28-51-107, Idaho Code, and federal privacy and data security
 44 law, whether or not the administrator or the administrator's agent is
 45 subject to the law.

46 (2) A provision of this part that applies to the administrator or the
 47 administrator's records applies to an administrator's agent.

1 14-5-1402. CONFIDENTIAL INFORMATION. (1) Except as otherwise pro-
2 vided in this chapter, the following are confidential and exempt from public
3 inspection or disclosure:

4 (a) Records of the administrator or the administrator's agent related
5 to the administration of this chapter;

6 (b) Reports and records in possession of the administrator or the ad-
7 ministrator's agent;

8 (c) Personal information and other information derived or otherwise
9 obtained by or communicated to the administrator or the administrator's
10 agent from an examination under this chapter of the records of a person;

11 (d) Records, including work papers, monthly work in progress, and other
12 examination records, compiled by the administrator or the administra-
13 tor's agent in the course of conducting an examination authorized under
14 this chapter; and

15 (e) All information exempt from disclosure pursuant to chapter 1, title
16 74, Idaho Code.

17 (2) A record or other information that is confidential under law of this
18 state other than this chapter, another state, or the United States continues
19 to be confidential when disclosed or delivered under this chapter to the ad-
20 ministrator or administrator's agent.

21 14-5-1403. WHEN CONFIDENTIAL INFORMATION MAY BE DISCLOSED. (1) When
22 reasonably necessary to enforce or implement this chapter, the administra-
23 tor may disclose confidential information concerning property held by the
24 administrator or the administrator's agent only to:

25 (a) An apparent owner or the apparent owner's attorney, other legal
26 representative, relative, or agent designated under section 14-5-1302,
27 Idaho Code, to have the information;

28 (b) The executor, other legal representative, relative of a deceased
29 apparent owner, agent designated under section 14-5-1302, Idaho Code,
30 by the deceased apparent owner, or a person entitled to inherit from the
31 deceased apparent owner;

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

33 (d) The person that administers the unclaimed property law of another
34 state, if the other state accords substantially reciprocal privileges
35 to the administrator of this state or if the other state is required to
36 maintain the confidentiality and security of information obtained in a
37 manner substantially equivalent to the provisions of this part;

38 (e) A person subject to an examination as required by section
39 14-5-1004(6), Idaho Code; and

40 (f) The administrator's agent.

41 (2) Except as otherwise provided in section 14-5-1402(1), Idaho Code,
42 the administrator shall include on the website or in the database required by
43 section 14-5-503(2)(b), Idaho Code, the name of each apparent owner of prop-
44 erty held by the administrator. The administrator may include in published
45 notices, printed publications, telecommunications, the internet, or other
46 media and on the website or in the database additional information concern-
47 ing the apparent owner's property if the administrator believes the informa-
48 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 14-5-1404. CONFIDENTIALITY AGREEMENT. (1) A person to be examined un-
8 der section 14-5-1002, Idaho Code, may request that the administrator or the
9 administrator's agent execute and deliver to the person to be examined a con-
10 fidentiality agreement that:

11 (a) Is in a standard form approved by the administrator; and

12 (b) Requires the person having access to the records to comply with the
13 provisions of this part applicable to the person.

14 (2) If the person to be examined elects not to execute a confidentiality
15 agreement that has been approved for use by the administrator and the person
16 to be examined is unable to reach an agreement on the terms of a confiden-
17 tiality agreement within ninety (90) days of the administrator's authorization
18 of the examination, the examination shall proceed without a confidentiality
19 agreement in place and the person to be examined shall rely on the confiden-
20 tiality provision of this part.

21 14-5-1405. NO CONFIDENTIAL INFORMATION IN NOTICE. Except as otherwise
22 provided in sections 14-5-501 and 14-5-502, Idaho Code, a holder is not re-
23 quired under this chapter to include confidential information in a notice
24 the holder is required to provide to an apparent owner under this chapter.

25 14-5-1406. SECURITY OF INFORMATION. (1) If a holder is required to in-
26 clude confidential information in a report to the administrator, the infor-
27 mation must be provided by a secure means.

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

31 (a) Implement administrative, technical, and physical safeguards to
32 protect the security, confidentiality, and integrity of the informa-
33 tion as required by the laws of this state and federal privacy and data
34 security law;

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

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

41 (3) The administrator shall:

42 (a) Implement the data and information security plans adopted by the
43 state; and

44 (b) Ensure that an administrator's agent adopts and implements an ap-
45 propriate plan with respect to confidential information in the agent's
46 possession.

1 (4) The administrator and the administrator's agent shall educate and
2 train their employees regarding the plan adopted under subsection (3) of
3 this section.

4 (5) The administrator and the administrator's agent shall in a secure
5 manner return or destroy all confidential information no longer reasonably
6 needed under this chapter.

7 14-5-1407. SECURITY BREACH. Except to the extent prohibited by law
8 other than this chapter, the administrator or administrator's agent shall
9 notify a holder of a security breach of computerized information in accor-
10 dance with the provisions of chapter 51, title 28, Idaho Code.

11 PART 15
12 MISCELLANEOUS PROVISIONS

13 14-5-1501. APPLICATION AND CONSTRUCTION. In applying and construing
14 this chapter, consideration must be given to the need to promote it with re-
15 spect to its subject matter among states that enact it.

16 14-5-1502. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL
17 COMMERCE ACT. This chapter modifies, limits, and supersedes the electronic
18 signatures in global and national commerce act, 15 U.S.C. 7001, et seq., but
19 does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C.
20 7001(c), or authorize electronic delivery of any of the notices described in
21 section 103(b) of that act, 15 U.S.C. 7003(b).

22 14-5-1503. TRANSITIONAL PROVISION. (1) An initial report filed under
23 this chapter for property that was not required to be reported before July 1,
24 2023, but that is required to be reported under this chapter, must include
25 all items of property that would have been presumed abandoned during the ten
26 (10) year period preceding July 1, 2023, as if this chapter had been in effect
27 during that period.

28 (2) This chapter does not relieve a holder of a duty that arose before
29 July 1, 2023, to report, pay, or deliver property. Subject to section 14-5-
30 610(2) and (3), Idaho Code, a holder that did not comply with the law govern-
31 ing unclaimed property before July 1, 2023, is subject to applicable provi-
32 sions for enforcement and penalties in effect before July 1, 2023.

33 14-5-1504. SEVERABILITY. If any provision of this chapter or its ap-
34 plication to any person or circumstance is held invalid, the invalidity does
35 not affect other provisions or applications of this chapter that can be given
36 effect without the invalid provision or application, and to this end the pro-
37 visions of this chapter are severable.

38 SECTION 3. That Section 14-113, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 14-113. UNCLAIMED MONEYS -- PAYMENT INTO PUBLIC SCHOOL PERMANENT
41 ENDOWMENT FUND -- ESCHEAT. After a final settlement of the affairs of any
42 estate, if there be no heirs or other claimants thereof, the administrator
43 shall submit a report of abandoned property and proceed to dispose of the

1 property in a manner set forth in the ~~uniform revised~~ unclaimed property
 2 act in chapter 5, title 14, Idaho Code, provided that such property shall be
 3 identified by the public administrator as section 14-113 abandoned prop-
 4 erty. The state treasurer shall distribute the moneys to the public school
 5 permanent endowment fund created pursuant to section 4, article IX, of the
 6 constitution of the state of Idaho upon expiration of the period for redemp-
 7 tion of the property pursuant to section 14-523, Idaho Code.

8 SECTION 4. That Section 15-3-914, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 15-3-914. DISPOSITION OF UNCLAIMED ASSETS. If an heir, devisee, or
 11 claimant cannot be found, the personal representative shall distribute the
 12 share of the missing person to his trustee if one has been appointed or, if
 13 no trustee has been appointed, shall file the report of abandoned property
 14 required by ~~section 14-517, chapter 5, title 14,~~ Idaho Code, and deliver the
 15 property in the manner set forth in ~~section 14-519, Idaho Code~~ that chapter.

16 SECTION 5. That Section 33-5410, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 33-5410. UNCLAIMED ACCOUNTS. (1) Except as set forth in this section,
 19 unclaimed accounts shall be subject to the provisions of ~~section 14-512(1),~~
 20 chapter 5, title 14, Idaho Code.

21 (2) The date upon which the account owner is deemed to have last com-
 22 municated that the owner is currently aware of his interest in the account
 23 shall not occur prior to the eighteenth birthday of the designated benefi-
 24 ciary.

25 (3) Upon receipt of a certificate of exemption from the state treasurer
 26 or his authorized agent or employee, the board may assume the responsibili-
 27 ties of the state treasurer under chapter 5, title 14, Idaho Code. Under a
 28 certificate of exemption, the board:

29 (a) Shall locate unclaimed accounts and refund the same to its rightful
 30 owner according to the provisions of chapter 5, title 14, Idaho Code,
 31 and the terms of the certificate of exemption.

32 (b) Shall retain the unclaimed account under the terms and provisions
 33 of the program.

34 (c) May maintain the investments selected by the account owner or es-
 35 tablish an investment policy for all unclaimed accounts. The owner
 36 and designated beneficiary of an unclaimed account shall have no claim
 37 against the state or any agency or instrumentality of this state for
 38 retention of the account owner's investment selection or for compliance
 39 with an investment policy for unclaimed accounts.

40 (4) In the event the board fails to comply with the requirements of this
 41 section, the state treasurer may revoke the certificate of exemption, and
 42 the board shall transfer all unclaimed accounts and records to the state
 43 treasurer as required by chapter 5, title 14, Idaho Code.

44 SECTION 6. That Section 41-3002, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

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

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

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

13 (ii) Determine whether benefits are due in accordance with the ap-
14 plicable policy or contract; and

15 (iii) If benefits are due in accordance with the applicable policy
16 or contract, use good faith efforts, which shall be documented by
17 the insurer, to locate the beneficiary or beneficiaries and pro-
18 vide the appropriate claims forms or instructions to the benefi-
19 ciary or beneficiaries to make a claim including the need to pro-
20 vide an official death certificate, if applicable under the policy
21 or contract.

22 (b) With respect to group life insurance, insurers are required to
23 confirm the possible death of an insured when the insurers maintain at
24 least the following information of those covered under a policy or cer-
25 tificate:

26 (i) Social security number or name and date of birth;

27 (ii) Beneficiary designation information;

28 (iii) Coverage eligibility;

29 (iv) Benefit amount; and

30 (v) Premium payment status.

31 (c) Every insurer shall implement procedures to account for:

32 (i) Common nicknames, initials used in lieu of a first or middle
33 name, use of a middle name, compound first and middle names and in-
34 terchanged first and middle names;

35 (ii) Compound last names, maiden or married names and hyphens, and
36 blank spaces or apostrophes in last names;

37 (iii) Transposition of the month and date portions of the date of
38 birth; and

39 (iv) Incomplete social security number.

40 (d) To the extent permitted by law, the insurer may disclose minimum
41 necessary personal information about the insured or beneficiary to a
42 person who the insurer reasonably believes may be able to assist the in-
43 surer locate the beneficiary or a person otherwise entitled to payment
44 of the claims proceeds.

45 (2) An insurer or its service provider shall not charge any beneficiary
46 or other authorized representative for any fees or costs associated with a
47 death master file search or verification of a death master file match con-
48 ducted pursuant to this section.

49 (3) The benefits from a policy, contract, or a retained asset account,
50 plus any applicable accrued contractual interest shall first be payable to

1 the designated beneficiaries or owners and in the event such beneficiaries
 2 or owners cannot be found shall escheat to the state as unclaimed property
 3 pursuant to ~~section 14-507~~ chapter 5, title 14, Idaho Code. Interest payable
 4 under section 41-1337, Idaho Code, shall not be payable as unclaimed prop-
 5 erty under ~~section 14-507~~ chapter 5, title 14, Idaho Code.

6 (4) An insurer shall notify the unclaimed property administrator upon
 7 the expiration of the statutory time period for escheat that:

8 (a) A policy or contract beneficiary or retained asset account holder
 9 has not submitted a claim with the insurer; and

10 (b) The insurer has complied with subsection (1) (a) of this section and
 11 has been unable, after good faith efforts documented by the insurer, to
 12 contact the retained asset account holder, beneficiary or beneficia-
 13 ries.

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

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

19 57-1109. NET REVENUES RECEIVED FROM ABANDONED PROPERTY DEPOSITED TO
 20 CREDIT OF GENERAL ACCOUNT FUND. Any net revenues derived under and pursuant
 21 to the provisions of ~~sections 14-501--14-543~~ chapter 5, title 14, Idaho
 22 Code, shall be deposited by the authority collecting the same directly to the
 23 credit of the general ~~account~~ fund.

24 SECTION 8. That Section 63-3077E, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 63-3077E. AGREEMENTS FOR EXCHANGE OF INFORMATION WITH THE STATE TREA-
 27 SURER. The state tax commission and the state treasurer may enter into a
 28 written agreement for exchange of information relating to persons, firms,
 29 corporations, partnerships or associations who are or may be conducting
 30 business operations in this state or who may be the owners of unclaimed
 31 property reported to the state treasurer. Such information shall be confi-
 32 dential to the recipient and may be used only for purposes of administering
 33 the provisions of the revised unclaimed property act in chapter 5, title 14,
 34 Idaho Code. No such information shall be public information unless it is
 35 used in the course of a judicial proceeding arising under the laws of this
 36 state. The information provided by the tax commission may include the fol-
 37 lowing:

38 (1) Names and addresses of businesses within this state.

39 (2) The names and addresses of individuals or entities identified as
 40 owners or potential owners of unclaimed property in the custody of the state
 41 treasurer.

42 (3) Taxpayer identifying numbers.

43 SECTION 9. That Section 66-503, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

1 66-503. CUSTODY OF MONEY -- DUTY OF SUPERINTENDENT OR MANAGER. All
2 moneys so held in trust shall be kept by the superintendent or manager, sub-
3 ject to be returned to the person or persons from whom any part of such fund
4 has been taken for deposit in trust, except any portion thereof applied to
5 such patient's expenses while in said state hospital or the southwest Idaho
6 treatment center or applied to the payment of the funeral expenses of said
7 patient, upon his death, release or discharge from the said institution;
8 provided however, that if any patient who dies or has been discharged or es-
9 caped from any state hospital or the southwest Idaho treatment center does
10 not present, personally or through his legal guardian, heirs or assigns, a
11 claim against the said trust fund for repayment to him of money to his credit
12 in said trust fund for patients within five (5) years from the date of his
13 death, discharge or escape as certified to the state controller of the state
14 of Idaho by the officer in charge of said institutions, then the superinten-
15 dent or manager shall pay over the money in the manner set forth in ~~section~~
16 14-519 chapter 5, title 14, Idaho Code, provided however, that money held
17 in trust for a deceased patient shall be transferred pursuant to section
18 14-113, Idaho Code.

19 SECTION 10. An emergency existing therefor, which emergency is hereby
20 declared to exist, this act shall be in full force and effect on and after
21 July 1, 2023.