

STATE OF NEW YORK

7981--A

2023-2024 Regular Sessions

IN ASSEMBLY

August 18, 2023

Introduced by M. of A. DE LOS SANTOS -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the abandoned property law and the tax law, in relation to the return of abandoned property to owners by the state comptroller and the department of taxation and finance; and to repeal section 1419 of the abandoned property law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "return abandoned property immediately and direct (R.A.P.I.D.) act".

3 § 2. Paragraph (a) of subdivision 1 and paragraph (a) of subdivision
4 2 of section 1402 of the abandoned property law, as added by section 35
5 of part A of chapter 61 of the laws of 2011, are amended to read as
6 follows:

7 (a) Notwithstanding anything to the contrary set forth in section
8 fourteen hundred one of this article, the comptroller shall maintain on
9 his or her website in a readily searchable format, a list of such aban-
10 doned property as has been paid or delivered to the comptroller [~~that~~
11 ~~has a value of over twenty dollars, for a period of twelve months prior~~
12 ~~to April first, two thousand eleven, and any such abandoned property as~~
13 ~~has been paid or delivered to the comptroller thereafter that has a~~
14 ~~value of over twenty dollars, provided that when sixty or more months~~
15 ~~has passed after such property has been paid or delivered to the comp-~~
16 ~~troller, the comptroller shall not be required to post such property on~~
17 ~~his or her website if he or she does not deem it reasonable and appro-~~
18 ~~priate to do so~~]. All unclaimed funds shall be posted on such searchable
19 list at all times.

20 (a) the names and last known addresses of all persons appearing from
21 the records in the comptroller's office, as set forth in the report

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 filed by the holder, to be entitled to receive such abandoned property
2 [~~exceeding twenty dollars in value~~]; and

3 § 3. The abandoned property law is amended by adding a new section
4 1423 to read as follows:

5 § 1423. Notice to apparent owner by state comptroller. 1. Upon receipt
6 of abandoned property from the holder of such abandoned property, the
7 state comptroller shall, with the department of taxation and finance,
8 determine the current address of the apparent owner of such abandoned
9 property, and shall send a written notice by first-class mail to such
10 apparent owner at such address; provided, however that the foregoing
11 requirements shall not apply where (a) the comptroller or the department
12 of taxation and finance does not have an address for the owner; or (b)
13 the comptroller or the department of taxation and finance can demon-
14 strate that the only address that the holder has pertaining to the owner
15 is not the current address of the owner.

16 2. The state comptroller shall also send a notice by e-mail to such
17 apparent owner of abandoned property, if the comptroller or the depart-
18 ment of taxation and finance has a record of such apparent owner's
19 e-mail address.

20 3. If the comptroller receives no response from such apparent owner or
21 such apparent owner fails to file a claim for such abandoned property
22 within one year of such notice, the comptroller shall refer such aban-
23 doned property to the department of taxation and finance.

24 § 4. The abandoned property law is amended by adding a new section
25 1424 to read as follows:

26 § 1424. Tax return identification of apparent owners. 1. After receiv-
27 ing a record of abandoned property from the state comptroller pursuant
28 to subdivision three of section fourteen hundred twenty-three of this
29 article and confirming that such apparent owner is the owner of such
30 abandoned property, the department of taxation and finance shall deter-
31 mine if such apparent owner of such abandoned property (a) has filed a
32 tax return in the fourteen months preceding such determination; or (b)
33 is a debtor.

34 2. If such apparent owner is not a debtor, the department of taxation
35 and finance shall deliver such abandoned property to such apparent
36 owner, without requiring such apparent owner to file a claim to receive
37 such abandoned property.

38 3. If such apparent owner is a debtor, the department of taxation and
39 finance shall set off such abandoned property against such apparent
40 owner's debts. If there is any remaining abandoned property after
41 setoff, the department of taxation and finance shall proceed pursuant to
42 subdivision two of this section.

43 4. After the department of taxation and finance has resolved such
44 abandoned property, the department of taxation and finance shall notify
45 the state comptroller to remove such abandoned property from the list of
46 abandoned property maintained by the comptroller.

47 § 5. Section 1419 of the abandoned property law is REPEALED.

48 § 6. The tax law is amended by adding a new section 664 to read as
49 follows:

50 § 664. Abandoned property funds. Any funds constituting abandoned
51 property referred to the department by the state comptroller may be paid
52 toward the amount owed under this article by the apparent owner of such
53 property or refunded to the apparent owner.

54 § 7. Section 21 of the tax law, as added by section 1 of part N of
55 chapter 686 of the laws of 2003, is renumbered section 21-a and subdivi-
56 sion (a) is amended to read as follows:

1 (a) General. Notwithstanding any provision of law to the contrary, the
2 commissioner may furnish to the comptroller or duly designated officer
3 or employee of the state department of audit and control the name,
4 address and taxpayer identification number of a taxpayer [~~to whom a~~
5 ~~refund or reimbursement of tax is owed, together with the amount of such~~
6 ~~refund or reimbursement,~~] for the sole purpose of identifying owners of
7 abandoned property paid to and held by the comptroller [~~pursuant to~~
8 ~~section one hundred two of the state finance law~~].
9 § 8. This act shall take effect immediately.