

STATE OF NEW YORK

7742

2021-2022 Regular Sessions

IN ASSEMBLY

May 21, 2021

Introduced by M. of A. LAVINE -- (at request of the State Comptroller)
-- read once and referred to the Committee on Judiciary

AN ACT to amend the abandoned property law, in relation to including unclaimed virtual currency within the scope of property covered by such law; authorizing the promulgation of regulations recognizing electronic communication as written contact; and requiring reporting of unclaimed property belonging to deceased persons

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

1 Section 1. Section 103 of the abandoned property law is amended by
2 adding two new subdivisions (h) and (i) to read as follows:

3 (h) "Virtual currency" shall have the same meaning as set forth in 23
4 NYCRR 200.2(p).

5 (i) "Virtual currency business activity" shall have the same meaning
6 as set forth in 23 NYCRR 200.2(q).

7 § 2. The abandoned property law is amended by adding a new section
8 1423 to read as follows:

9 § 1423. Electronic contact. Notwithstanding any other provision of
10 this chapter, the comptroller shall promulgate rules and regulations
11 establishing when an electronic communication from the apparent owner of
12 amounts or securities as defined in section one hundred three of this
13 chapter shall constitute "written contact" for purposes of tolling the
14 dormancy period.

15 § 3. The abandoned property law is amended by adding a new section
16 1318 to read as follows:

17 § 1318. Unclaimed virtual currency. 1. Any virtual currency held or
18 owing by any banking organization, corporation or other entity engaged
19 in virtual currency business activity which shall have remained
20 unclaimed by the person entitled thereto for a period of three years
21 shall be deemed abandoned property if:

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

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1 (a) the last known address of the person entitled to such virtual
2 currency as shown on the books and records of the entity engaging in the
3 virtual currency business activity is located in the state; or

4 (b) the last known address of the person entitled to such virtual
5 currency is not shown on the books and records of the entity engaging in
6 the virtual currency business activity and the entity is incorporated in
7 this state.

8 2. (a) Any virtual currency held or owing by a banking organization, a
9 corporation or other entity engaged in virtual currency business deemed
10 abandoned under this section as of the thirtieth day of the preceding
11 June shall be paid or delivered to the comptroller on or before the
12 tenth day of the next succeeding November.

13 (b) Payment or delivery shall be accompanied by a true and accurate
14 report setting forth information relating to such abandoned property as
15 the comptroller may require.

16 3. Virtual currency reported to the comptroller pursuant to this
17 section shall be sold on any established exchange, or by such other
18 means as the comptroller shall deem advisable, as soon as the comp-
19 troller in his or her discretion deems practicable.

20 4. The proceeds of the sale of virtual currency, less all costs
21 incurred in connection with such sale, shall be deposited by the comp-
22 troller in the abandoned property fund and any claimant to such virtual
23 currency shall be entitled only to the proceeds of the sale of such
24 virtual currency by the comptroller.

25 § 4. The abandoned property law is amended by adding a new section
26 1424 to read as follows:

27 § 1424. Deceased persons. Notwithstanding any other provision of law
28 to the contrary, any unclaimed property subject to the mandatory report-
29 ing provisions of this chapter owned by a person who has been deceased
30 for the statutory dormancy period applicable to such property shall be
31 deemed abandoned property.

32 § 5. This act shall take effect immediately.