CHAPTER 697

AN ACT in relation to escheated and abandoned property, constituting chapter one of the consolidated laws

Became a law April 23, 1943, with the approval of the Governor. Passed, three-fifths being present

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

ABANDONED PROPERTY LAW

CHAPTER ONE OF THE CONSOLIDATED LAWS

ARTICLE I

SHORT TITLE; DECLARATION OF POLICY; DEFINITIONS

§ 101. Short title. This chapter shall be known and may be cited as the "Abandoned Property Law."

§ 102. Declaration of policy. It is hereby declared to be the policy of the state, while protecting the interest of the owners thereof, to utilize escheated lands and unclaimed property for the benefit of all the people of the state, and this chapter shall be liberally construed to accomplish such purpose.

§ 103. Definitions. As used in this chapter

(a) "Abandoned property fund" means the abandoned property fund established by section ninety-five of the state finance law, as such section was added by a chapter of the laws of nineteen hundred forty-four, entitled "An act to amend the state finance law, in relation to establishing an abandoned property fund and providing for the transfer of certain moneys and property to such fund, and to amend the surrogate's court act in relation to payments from such fund."

(b) "Abandoned property heretofore paid to the state" means, unless a more limited meaning clearly appears from the context, all money or other personal property collected or received by the state comptroller or the department of taxation and finance pursuant to the provisions of

(i) section twenty-two hundred twenty-two of the surrogate's court procedure act;

(ii) subdivision two of section five, sections thirty-two, one hundred twenty-seven, one hundred seventy, two hundred fifty-seven and three hundred fourteen of the banking law;

(iii) subsection (c) of section seven thousand four hundred thirty-four of the insurance law;

(iv) subdivision four of section sixty-six-a and section one hundred four-c of the public service law;

(v) section thirteen-c of the transportation corporations law;

(vi) sections eighty-four, ninety and ninety-two of the state finance law;

(vii) section four hundred twenty-four of the vehicle and traffic law;

(viii) section one hundred thirty-eight of the navigation law;

(ix) and any earlier provision of law which embodies provisions which are substantially the same as or equivalent to those contained in such sections.

(c) "Banking organizations" means all banks, trust companies, private bankers, savings banks, industrial banks, safe deposit companies, savings and loan associations, credit unions and investment companies in this state, organized under or subject to the provisions of the laws of this state, or of the United States, including entities organized under section six hundred eleven of title twelve of the United States code, but does not include federal reserve banks. For the purposes of this chapter, the term "banking organization" shall also include any corporation or other organization which is a wholly or partially owned subsidiary of any banking organization, banking corporation, or bank holding company, which performs any or all of the functions of a banking organization, or any corporation or other organization which performs such functions pursuant to the terms of a contract with any banking organization.

(d) "Infant" means a person who has not attained the age of eighteen years.

"Infancy" means the state of being an infant.

(e) "Life insurance corporation" means any insurer corporation organized under the laws of this state or any foreign corporation authorized to do either one or both kinds of insurance business authorized in paragraphs one and two of subsection (a) of section one thousand one hundred thirteen of the insurance law, as amended from time to time. The term life insurance corporation shall include a fraternal benefit society as defined in section four thousand five hundred one of the insurance law.

(f) "Utility services" means gas, electricity or steam supplied by a gas, electric, gas and electric or district steam corporation or an energy services company, telephone, telegraph or other service furnished by a telephone, telegraph or telegraph and telephone corporation, water supplied by a waterworks corporation, or appliances, equipment, installations, fixtures or appurtenances rented by any such corporation or ESCO.

(g) "Gift certificate" shall mean a written promise or electronic payment device that: (i) is usable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo, or is usable at multiple, unaffiliated merchants or service providers; and (ii) is issued in a specified amount; and (iii) may or may not be increased in value or reloaded; and (iv) is purchased and/or loaded on a prepaid basis for the future purchase or delivery of any goods or services; and (v) is honored upon presentation. Gift certificate shall not include an electronic payment device linked to a deposit account, or prepaid telephone calling cards regulated under section ninety-two-f of the public service law. Gift certificate also shall not include flexible spending arrangements as defined in Section 106(c)(2) of the Internal Revenue Code, 26 U.S.C. § 106(c)(2); flexible spending accounts subject to Section 125 of the Internal Revenue Code, 26 U.S.C. § 125; Archer MSAs as defined in Section 220(d) of the Internal Revenue Code, 26 U.S.C. § 220(d); dependent care reimbursement accounts subject to Section 129 of the Internal Revenue Code, 26 U.S.C. § 129; health savings accounts subject to Section 223(d) of the Internal Revenue Code, 26 U.S.C. § 223(d), as amended by Section 1201 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. No. 108-173; or similar accounts from which, under the Internal Revenue Code and its implementing regulations, individuals may pay medical expenses, health care expenses, dependent care expenses, or similar expenses on a pretax basis. Gift certificate also shall not include a prepaid discount card or program used to purchase identified goods or services at a price or percentage below the normal and customary price; provided that the expiration date of the prepaid discount card or program is clearly and conspicuously disclosed. Gift certificate also shall not include payroll cards or other electronic payment devices which are linked to a deposit account and which are given in exchange for goods or services rendered.

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

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

(j) "Energy services company" or "ESCO" shall mean an entity eligible to sell energy services to end-use customers using the transmission or distribution system of a utility.

ARTICLE II

ESCHEAT OF REAL PROPERTY

§ 200. Escheated lands. All lands the title of which shall fail from a defect of heirs, shall revert, or escheat, to the people.

§ 201. Action for recovery of property. Whenever the attorney-general has good reason to believe that the title to, or right of possession of, any real property has vested in the people of the state by escheat whether from defect of heirs, alienage or otherwise, or by conviction or outlawry for treason as provided in section eight hundred nineteen of the code of criminal procedure, he may commence an action to recover the property.

§ 202. Parties to action. There may be made parties to such action, all persons who would have, might have or might claim to have any interest in or lien upon the premises so escheated or forfeited, at the time of such escheat or forfeiture, and all persons in possession of such real property. Where the names of the defendants are unknown, they may be designated as "unknown defendants." The provisions of law applicable to actions to recover real property shall apply to such actions, except that service of the summons shall not be deemed to be complete until, pursuant to an order of the court, the summons together with a notice directed to the defendants setting forth the object of the action, a brief description of the land affected, the source and manner in and by which it is alleged that said real property shall have escheated or forfeited to the people, and the name or names of person or persons whose title or interest shall have so escheated or have been forfeited, shall have been published once in each week for four successive weeks in two newspapers designated in the order for such publication as most likely to give notice to the defendants to be served.

§ 203. Effect of judgment in favor of people. A final judgment in favor of the people in an action authorized as set forth in section two hundred one is conclusive as to the title of the people in and to the premises described in said judgment against any and all parties in said action, including unknown defendants, and against any and all persons claiming from, through or under such a party by title accruing after the filing of the judgment roll or after the filing in the office of the clerk of the county in which said real property or a part thereof is situated, a notice of the pendency of the action.

§ 204. Sale of property recovered. Upon the rendering of final judgment in an action authorized by section two hundred one, the commissioner of general services may sell or transfer the property as unappropriated land in accordance with the provisions of article three of the public lands law.

§ 205. Report by attorney-general. The attorney-general shall report to the commissioner of general services all the real property recovered by the people in any action brought pursuant to this article.

§ 206. Petition for release of escheated lands. 1. Where there is good reason to believe that real property shall have escheated to the state and final judgment shall not have been entered as hereinbefore provided, a petition for the release to the petitioner of any interest in real property believed to have escheated to the state by reason of the failure of heirs or the incapacity, for any reason except infancy or mental incompetency, of any of the petitioner's alleged predecessors in interest to take such property by devise or otherwise, or to convey the same or by reason of the alienage of any person, who but for such alienage would have succeeded to such interest, may be presented to the commissioner of general services within forty years after such escheat. Such petition may be presented:

a. By any person who would have succeeded to such interest but for his alienage or the alienage of another person, or

b. By the surviving husband, widow, stepfather, stepmother or adopted child of the person whose interest has so escheated, or

c. By the purchaser at a judicial sale or sheriff's sale on execution, or

d. By an heir, devisee, assignee, grantee, immediate or remote, or executor of any person, who but for his death, assignment or grant could present such petition, or the alleged grantee of any person or of any association or body, whether incorporated or not, who or which would have succeeded by devise or otherwise to the title of such person but for his alienage or a legal incapacity to take or convey the property so escheated, or

e. By a person having a contract to purchase made prior to the date of escheat with the person whose interest shall have escheated.

2. Such petition shall be verified by each petitioner in the same manner as a pleading in a court of record may be verified, and shall allege:

a. The name and residence of each person owning any interest in such real property immediately prior to the escheat;

b. The name and residence of each petitioner and the circumstances which entitle him to present such petition;

c. The name and place of residence of every person who would have succeeded to any such interest but for his alienage or the alienage of another or any other rule of legal incapacity hereinabove mentioned affecting an attempted transfer of such interest to such person or to or by any of his alleged predecessors in interest;

d. The description and value, at the date of the verification of the petition, of such real property sought to be released;

e. The description and value, at the date of the verification of the petition, of all the property of every such owner, which shall have escheated to the people of the state by reason of failure of heirs or alienage and which shall not then have been released or conveyed by the state;

f. The name and residence of each person having or claiming an interest in such real property at the date of the verification of the petition and the nature and value of such interest;

g. Any special facts or circumstances by reason of which it is claimed that such interest should be released to the petitioner;

h. The name and residence of each person in possession or occupation of the premises and the nature, if any, of the interest of such person;

i. The name and residence of each person having filed a protest with the commissioner of general services under the provisions of section two hundred ten.

Such petition may be filed within sixty days after its verification with the office of general services.

§ 207. Proceedings on receipt of petition. Prior to the presentation of such petition, the petitioner shall cause to be personally served upon each person who would have succeeded to any interest in said land but for the alienage of such person or another or for any other rule of legal incapacity hereinbefore mentioned affecting an attempted transfer of such interest of such person, and each person in possession or occupation or who has filed a protest under section two hundred ten, whose names and places of residence are known and cause to be published in a newspaper published in each county in which any part of said land is situated, once in each week for three successive weeks as to those whose names and places of residence are unknown, a notice, in form adopted or approved by the commissioner, directed to such persons. Such notice shall state the date on which such petition shall be filed with the office of general services, the nature of the application, a description of the property affected and the name of the person or persons whose interest or interests shall have escheated to the people of the state of New York. Such notice shall also provide that any person or persons having a claim or right to said property equal to or superior to the right of the petitioner may file a remonstrance with the said commissioner on or before the date of said filing against the granting of such petition and for the granting of a release to such person or persons. Proof of service and of publication as aforementioned shall be filed with the petition. The commissioner may take proof of the facts alleged in said petition, by written or oral evidence, whether or not a sale or release of said property was theretofore made, the value of the property to be released, and such other facts as in his judgment are necessary to determine the matter. If a remonstrance shall have been presented, the commissioner may take proof of the issues raised thereby and the relief therein asked. The commissioner may, as a condition of hearing the matter, require the petitioner or any remonstrant to produce witnesses or advance the expense of producing them.

§ 208. Release. 1. The commissioner shall make his determination and enter an order accordingly. The commissioner may agreeably to the best interest of the state and in his discretion, if he deems it just to all persons interested, execute in the name of the state, a release on such terms and conditions as the commissioner deems just, releasing to such person or persons as he shall have determined entitled thereto the interest of the state in such real property so sought to be released.

2. A conveyance so made to any such person who is a parent, child, surviving husband or widow of any such owner of any interest therein immediately prior to the escheat, or the heirs-at-law of any such surviving husband or widow, or the alleged grantee or any person or of any association or body, whether incorporated or not, who or which would have succeeded by devise or otherwise to the title of such person but for a legal incapacity to take or convey the property so escheated shall be without consideration, if the value, at the date of the petition, as determined by the commissioner, of all property of any such owner escheated to the state and not conveyed or released by the state, shall not exceed one hundred thousand dollars, and of the property sought to be released shall not exceed ten thousand dollars, except that any and all expenses incurred by the state in an action to recover the property escheated or in any action pertaining thereto, or otherwise relating to the escheated property shall be paid by such person. Where however, the value of the property sought to be released shall exceed the sum of ten thousand dollars the commissioner may release the same to such person upon the payment of the appraised value in excess of ten thousand dollars and in addition thereto the expenses incurred by the state in an action to recover the property as aforementioned.

3. The release shall contain a brief recital of the determinations required to be made by the commissioner on the hearing of the petition, remonstrance or remonstrances, and of all the terms and conditions on which the release is made.

§ 209. Effect of release on rights of others. No such release shall impair or affect any right, title, interest or estate in or to the lands thereby released, of any heir-at-law, devisee, grantee, mortgagee or creditor of any person having an interest in the real property released immediately prior to the escheat thereof, or of any person having a lien or incumbrance thereon, through, under or by any person having an interest therein immediately prior to the escheat.

§ 210. Protest against release. Any person may file, at any time, with the commissioner, a protest, stating his name, residence and post-office address, against the release by the state of any interest of the people of the state acquired by escheat, in any real property described in such protest.

§ 211. Lands held under written contract. Where lands have been escheated to the state and the person last seized was a citizen or capable of taking and holding real property the commissioner shall fulfill any contract made by such person or by any person from whom his title is derived, in respect to the sale of such lands, so far only as to convey the right and title of the state, pursuant to such contract, without any covenants of warranty or otherwise, and shall allow all payment which may have been made on such contracts. If any part of such escheated land has been occupied under a verbal agreement for the purchase thereof, and the occupants have made valuable improvements thereon, such agreement shall be as valid and effectual as if it were in writing.

§ 212. Escheated lands subject to trusts and incumbrances. Lands escheated to the state shall be held subject to the same trusts and incumbrances to which they would have been subject if they had descended, except that where the owner or beneficiaries of such trusts or the holders of such incumbrances have been made parties to an action brought under section two hundred one, such land shall be subject only to trusts and incumbrances of record in the county in which the land is located prior to the filing of notice of pendency of action authorized under section two hundred one.

§ 213. Condemnation awards as interest in real property. An interest in real property escheated to the state shall for the purposes of this article, be deemed to include any and all awards heretofore or hereafter made in condemnation proceedings against such escheated lands and all the provisions of this article shall apply to the release and assignment of such awards with the same force and effect as to the release and conveyance of an interest in real property.

§ 214. Receiver. At any time during the pendency of said action pursuant to section two hundred one, the court may upon application therefor appoint a receiver to conserve said property and to receive the rents, income and profits therefrom during the pendency of the action. The rents, income and profits so received, after the payment of the expenses of such receivership, shall be paid over to such party or parties as shall be determined in the final judgment to be entitled to possession of said property and in the event that the people are adjudged entitled thereto, shall be directed to be paid into the state treasury.

§ 215. Claims against state. Where an action has been commenced and final judgment in favor of the people entered therein by reason of the escheat of real property to the people and the said property has been sold pursuant to section two hundred four, any party or parties thereto, or their successors in interest, who, but for the rendering of such final judgment would have been entitled to such real property, or an interest therein, shall have a claim against the state for the value of such real property or interest therein at the time of the entry of such judgment, but no such claim shall exist in favor of such party or parties or their successors in interest unless a petition therefor shall have been filed as hereinafter provided within fifteen years from the date of entry of such final judgment unless such party or parties to such ejectment action shall have been, at the time of the commencement of such action or entry of final judgment, incompetent to conduct his or her affairs by reason of mental illness or developmental disability or have been under the age of eighteen years, or be imprisoned in execution upon conviction of a criminal offense, in which event the period of such disability shall not be deemed to be a part of the time limited within which such petition may be filed. Such party or parties, or their successors in interest shall petition the commissioner of general services for payment of the sum or a part thereof received by the state, upon the sale made pursuant to section two hundred four, and the said commissioner if satisfied that the claim is just and is made by a party who, except for the entry of final judgment in an action authorized by section two hundred one would have been entitled to the real property or an interest therein affected by said action, may certify such facts to the court of claims, whereupon that court is empowered and authorized to determine the amount of such claim or claims and award judgment therefor, the total of which in no event shall exceed the amount received by the people upon the sale of said real property pursuant to section two hundred four.

ARTICLE III

UNCLAIMED PROPERTY HELD OR OWING BY BANKING ORGANIZATIONS

§ 300. Unclaimed property held or owing by banking organizations. 1. The following unclaimed property held or owing by banking organizations shall be deemed abandoned property:

(a) Any amounts due on deposits or any amounts to which a shareholder of a savings and loan association or a credit union is entitled, held or owing by a banking organization, which shall have remained unclaimed for three years by the person or persons appearing to be entitled thereto, including any interest or dividends credited thereon, excepting

(i) any such amount which has been reduced or increased, exclusive of dividend or interest payment, within three years, or

(ii) any such amount which is represented by a passbook not in the possession of the banking organization, which has been presented for entry of dividend or interest credit within three years, or

(iii) any such amount with respect to which the banking organization has on file written evidence received within three years that the person or persons appearing to be entitled to such amounts had knowledge thereof, or

(iv) any such amount payable only at or by a branch office located in a foreign country, or payable in currency other than United States currency, or

(v) any such amount that is separately identifiable and has been set aside to meet the burial and related expenses of an individual, provided however that said amount shall be deemed abandoned property where it remains unclaimed for three years subsequent to the death of the individual for whom the amount was deposited.

(b) Any amounts, together with all accumulations of interest or other increment thereon, held or owing by a banking organization for the payment of an interest in a bond and mortgage apportioned or transferred by it pursuant to subdivision seven of former section one hundred eighty-eight of the banking law as it existed prior to July first, nineteen hundred thirty-seven, which shall have remained unclaimed by the person or persons appearing to be entitled thereto for three years after the full and final liquidation of such mortgage, excepting

(i) any such amount which has been reduced by payment to the person or persons appearing to be entitled thereto within three years, or

(ii) any such amount which is represented by a certificate of share ownership not in the possession of the banking organization, which certificate has been presented for transfer within three years, or

(iii) any such amount with respect to which the banking organization has on file written evidence received within three years that the person or persons appearing to be entitled to such amount had knowledge thereof.

(c) Any amount held or owing by a banking organization for the payment of a negotiable instrument under article three of the uniform commercial code or a certified check whether negotiable or not, on which such organization is directly liable, which instrument shall have been outstanding for more than three years from the date it was payable or from the date of its issuance, if payable on demand; provided, however, the provisions of this paragraph shall not apply

(i) to any negotiable instrument payable outside the continental limits of the United States, or

(ii) to any instrument payable in currency other than United States currency.

(d) After the expiration of three years from the opening of any vault, safe deposit box or other receptacle by a banking organization pursuant to the provisions of the banking law, any surplus amounts arising from a sale by such banking organization of the contents of such vault, safe deposit box or other receptacle pursuant to the provisions of the banking law, the balance remaining of any United States coin or currency among the contents of such vault, safe deposit box or other receptacle and the balance remaining of the proceeds of the principal of or interest or dividends on any securities among the contents of such vault, safe deposit box or other receptacle or the securities themselves which have remained unsold by the banking organization.

(e) Any amount or security representing a dividend or other payment received (i) after June thirtieth, nineteen hundred forty, by a banking organization or its nominee as the record holder of any stock, bond, or other security of any corporation, association or joint stock company to which amount or security an unknown person (except a person entitled to such dividend or other payment upon the surrender of other outstanding securities) is entitled or (ii) on or after July first, nineteen hundred seventy-four by a banking organization or its nominee other than as a holder of record or as holder of record for known persons on any stock, bond or other security of any corporation, association or joint stock company or (iii) on or after July first, nineteen hundred eighty-four by a banking organization or its nominee on any stock, bond, or other security of a governmental or other public issuer, (1) which shall have remained unclaimed by the person entitled thereto for three years after receipt thereof by such banking organization or its nominee, or (2) when the stock, bond or other security with respect to which such amount or security representing a dividend or other payment is payable has been deemed abandoned.

(f) Except as provided in paragraph (e) of this subdivision, any stock, bond or other security of any corporation, association or joint stock company received on or after July first, nineteen hundred seventy-seven or any stock, bond or other security of any governmental or other public issuer received on or after July first, nineteen hundred eighty-four by a banking organization or its nominee and held by such banking organization or its nominee (1) as holder of record of such stock, bond or other security, or (2) as custodian, trustee or fiduciary for a person other than the issuer with respect to such stock, bond or other security, or (3) for unknown persons where, for three successive years, (i) all amounts payable upon such stocks, bonds, or other securities of any corporation, association or joint stock company and received by such banking organization or its nominee on or after July first, nineteen hundred seventy-seven or all amounts payable upon such stocks, bonds, or other securities of any governmental or other public issuer and received by such banking organization or its nominee on or after July first, nineteen hundred eighty-four have remained unclaimed by the person entitled thereto, and (ii) no written communication concerning such stock, bond or other security has been received from the person entitled thereto by such banking organization or its nominee.

(g) Any stock, bond, or other security held by a banking organization in any vault or other storage area in any capacity other than as set forth in paragraphs (d), (e) or (f) of this subdivision where, for three successive years, (i) such stock, bond, or other security has remained unclaimed by the person entitled thereto, and (ii) no written communication concerning such stock, bond or other security has been received from the person entitled thereto by such banking organization.

(h) (i) Any amount or security of any domestic, foreign, non-authorized foreign or public corporation, for which a banking organization acts as either agent or trustee of such corporation or as agent or trustee of a fiduciary engaged in the conduct of business, as such terms are defined in article five of this chapter, shall be deemed abandoned property in the same manner and under the same conditions as such amounts or securities are deemed abandoned pursuant to article five of this chapter, except that such amounts or securities shall be reportable, payable and/or deliverable to the state comptroller on the dates specified within this article for the report and delivery of abandoned property by banking organizations to the state comptroller.

(ii) Where a banking organization or its nominee acts as either agent or trustee for the issuer of American depositary receipts, or as agent, fiduciary or holder of record for the rightful owner of such American depositary receipts, or the banking organization is itself the issuer of American depositary receipts, the American depositary receipts shall be deemed "securities" and such securities and amounts payable or distributable thereon shall be deemed abandoned property in the same manner and under the same conditions as securities and amounts payable by banking organizations pursuant to the provisions of subparagraph (i) of this paragraph, provided, however, that this subparagraph shall apply to amounts or securities owing to or owned by persons with a last known address in New York or a foreign address or persons with no last known address and provided further that this subparagraph shall apply to such amounts, whether in cash or stock, received by such banking organization or payable or distributable on or after July first, nineteen hundred seventy-four.

(iii) The certified letters required to be mailed to apparent owners of securities enrolled in a reinvestment plan pursuant to subdivision two of section five hundred one of this chapter shall be mailed in the same manner and at the same time as specified in this article, except that such certified mail must be made to the apparent owners of such securities regardless of the amount.

(i) Any amount or security which shall have become payable or deliverable by a banking organization, as agent or trustee for a corporation, association or joint stock company which shall have discontinued the conduct of its business, or the corporate existence of which shall have terminated, without the right to receive such amount having passed to a successor or successors, and which shall have remained unpaid or undelivered to the person or persons entitled thereto for three years.

(j) Any security representing the capital stock of a banking organization or any amount payable or distributable thereon shall be deemed abandoned property in the same manner and under the same conditions as amounts or securities are deemed abandoned pursuant to article five of this chapter.

(k) Lost property or instruments as defined in section two hundred fifty-one of the personal property law which shall have been held by a safe deposit company or bank for three years pursuant to the provisions of section two hundred fifty-six of the personal property law.

2. Any abandoned property held or owing by a banking organization to which the right to receive the same is established to the satisfaction of such banking organization shall cease to be deemed abandoned.

3. A deposit made with a banking organization directly by a court or by a guardian pursuant to order of a court for the benefit of a person who was an infant at the time of the making of such deposit, which deposit is subject to withdrawal only upon the further order of such court, shall not be subject to the provisions of this chapter until such infant attains the age of eighteen years or until the death of such infant whichever event occurs sooner.

4. As used in sections three hundred to three hundred three inclusive of this article, the term "banking organizations" shall be deemed to include the New York branch or branches or agency or agencies of all foreign banking corporations licensed to do business in this state pursuant to article two and all branches of all out-of-state depository institutions authorized to conduct business in this state pursuant to article five-C of the banking law, and the word "deposits" shall be deemed to include credit balances maintained by any such agencies for the account of others in accordance with the provisions of section two hundred two-a of the banking law.

§ 302. Publication of list of abandoned property. 1. Every banking organization shall cause to be published, on or before the first day of September in each year, a notice entitled: "NOTICE OF NAMES OF PERSONS

APPEARING AS OWNERS OF CERTAIN UNCLAIMED PROPERTY HELD BY (name of banking organization)."

2. Such notice shall be published once in at least one newspaper published in the city or village where such abandoned property is payable, provided, however, that if such abandoned property is payable in the city of New York, such publication shall be in a newspaper published in the county where such abandoned property is payable. If there are no newspapers published in such city or village, then such publication shall be in a newspaper published in the county where such abandoned property is payable. If there are no newspapers published in such county publication shall be in a newspaper published in an adjacent county. Such publication shall be in a newspaper printed in the English language and any other newspaper that will substantially serve to inform the public of such abandoned property. The comptroller shall promulgate rules to determine when it is appropriate to designate an additional publication.

3. Such notice shall set forth:

(a) the names and last-known addresses, which were in such report, of all persons appearing to be entitled to any such abandoned property amounting to fifty dollars or more; provided, however, that with the consent of the state comptroller the name and last-known address of any person may be omitted from such notice where special circumstances make it desirable that such information be withheld. Such names shall be listed in alphabetical order. If, however, such banking organization has reported abandoned property payable in more than one city or village or, in the case of the city of New York, more than one county, the names shall be listed alphabetically for each such city, village or county and such notice shall include only the names of the persons appearing to be entitled to abandoned property payable in such city, village or county;

(b) such other information as the state comptroller may require; and

(c) a statement

(i) that a report of unclaimed amounts of money or other property held or owing by it has been made to the state comptroller and that a list of the names contained in such notice is on file and open to public inspection at the principal office or place of business of such banking organization in any city, village or county where any such abandoned property is payable;

(ii) that such unclaimed moneys or other property will be paid or delivered by it on or before the succeeding thirty-first day of October to persons establishing to its satisfaction their right to receive the same; and

(iii) that in the succeeding month of November, and on or before the tenth day thereof, such unclaimed moneys or other property still remaining will be paid or delivered to the state comptroller and that it shall thereupon cease to be liable therefor.

4. Such banking organization shall file with the state comptroller on or before the tenth day of September in each year proof by affidavit of such publication.

§ 303. Payment of abandoned property. 1. In such succeeding month of November, and on or before the tenth day thereof, every banking organization shall pay or deliver to the state comptroller all property which, as of the thirtieth day of June next preceding, was deemed abandoned pursuant to section three hundred of this article, held or owing by such banking organization.

2. Such payment shall be accompanied by a true and accurate report setting forth such information as the state comptroller may require relative to such abandoned property. Such report shall include:

(a) with respect to amounts specified in paragraph (a) of subdivision one of section three hundred which are abandoned property:

(i) the name and last known address of the person or persons appearing from the records of such banking organization to be the owner of any such abandoned property;

(ii) the amount appearing from such records to be due such person or persons;

(iii) the date of the last transaction with respect to such abandoned property;

(iv) the nature and identifying number, if any, of such abandoned property; and

(v) such other identifying information as the state comptroller may require.

(b) with respect to amounts specified in paragraph (b) of subdivision one of section three hundred of this article which are abandoned property:

(i) the name and last known address, if any, of the person or persons appearing from the records of such banking organization to be entitled to receive such abandoned property;

(ii) the amount appearing from such records to be due such person or persons;

(iii) the amount of any interest or other increment due thereon;

(iv) the date of the last transaction with respect to such abandoned property; and

(v) such other identifying information as the state comptroller may require.

(c) with respect to amounts specified in paragraph (c) of subdivision one of section three hundred of this article which are abandoned property:

(i) the name and last known address, if any, of the person or persons appearing from the records of such banking organization to be entitled to receive such abandoned property;

(ii) a description of such abandoned property including identifying numbers, if any, and the amount appearing from such records to be due or payable;

(iii) the amount of any interest or other increment due thereon;

(iv) the date such abandoned property was payable or demandable;

(v) the amount and identifying number of any such instrument where the payee thereof is unknown to the banking organization; and

(vi) such other identifying information as the state comptroller may require.

(d) with respect to amounts specified in paragraph (d) of subdivision one of section three hundred of this article which are abandoned property:

(i) the name and last known address, if any, of the person or persons appearing from the records of such banking organization to be the owner of any such abandoned property; and

(ii) such other information as the state comptroller may reasonably require.

3. Such report shall be in such form as the state comptroller may prescribe. All names of persons appearing in the section of such report relating to deposits, appearing to be the owners thereof, shall be listed in alphabetical order. Abandoned property other than deposits listed in such report shall be classified in such manner as the state comptroller may prescribe, and names of persons appearing to be entitled to such abandoned property appearing in such report shall be listed alphabetically within each such classification.

4. No banking organization in this state, organized under or subject to the provisions of section six hundred eleven of title twelve of the United States code, shall be required to file reports of abandoned property relating to any amounts received on or before the thirtieth day of June, nineteen hundred seventy-seven, unless, as of the effective date of this subdivision, such amounts remain recorded and shown in the books and records of such banking organization as an outstanding obligation thereof.

§ 304. Unclaimed property held by the superintendent of financial services after liquidation. 1. All amounts held by the superintendent of financial services as trustee for the owners thereof after the completion of the voluntary or involuntary liquidation of the business and property of any banking organization or of the business and property in this state of any foreign banking corporation, as provided in section thirty of the banking law, which shall not have been claimed and paid within four years after receipt by the superintendent shall be deemed abandoned property.

2. Any such abandoned property held by the superintendent of financial services to which the right to receive the same is established as provided in section thirty-one of the banking law shall cease to be deemed abandoned.

§ 305. Payment of abandoned property after liquidation by superintendent of financial services. 1. Not later than the first day of October in each year the superintendent of financial services shall pay to the state comptroller all such abandoned property held by him which shall have become abandoned property at any time prior to the first day of July next preceding, excepting such abandoned property as since such first day of July shall have ceased to be abandoned.

2. Such payment shall be accompanied by a statement signed by the superintendent of financial services setting forth the name and last known address of, and the amount owning to, each person appearing to be the owner of any such abandoned property, or if the name is unknown, the nature and identifying number of the indebtedness and the name of the banking organization or foreign banking corporation from which such abandoned property was received, together with such other identifying information as the state comptroller may require.

§ 306. Reimbursement for instruments paid. Any banking organization which has paid to the state comptroller abandoned property held or owing for the payment of a negotiable instrument or a certified check may make payment to the person entitled thereto, upon presentation of the instrument by such person, and shall thereby be entitled to reimbursement of the amount paid to the comptroller. Such reimbursement shall be made by the comptroller after audit of a claim of the banking organization.

ARTICLE IV

UNCLAIMED DEPOSITS AND REFUNDS FOR UTILITY SERVICES

§ 400. Unclaimed deposits and refunds for utility services. 1. The following unclaimed moneys held or owing by a gas corporation, an electric corporation, a gas and electric corporation, a district steam corporation, an energy services company, a telegraph corporation, a telephone corporation, a telegraph and telephone corporation, or a waterworks corporation, shall be deemed abandoned property:

(a) Any deposit made by a consumer or subscriber with such a corporation or ESCO to secure the payment for utility services furnished by such corporation or ESCO, or the amount of such deposit after deducting any sums due to such corporation or ESCO by such consumer or subscriber, together with any interest due thereon, which shall have remained unclaimed by the person or persons appearing to be entitled thereto for two years after the termination of the utility services to secure the payment of which such deposit was made, or, if during such two year period utility services are furnished by such corporation or ESCO to such consumer or subscriber and such deposit is held by such corporation or ESCO to secure payment therefor, for two years after the termination of such utility services.

(b) Any amount paid by a consumer or subscriber to such a corporation or ESCO in advance or in anticipation of utility services furnished or to be furnished by such corporation or ESCO which in fact is not furnished, after deducting any sums due to such corporation or ESCO by such consumer or subscriber for utility services in fact furnished, which shall have remained unclaimed by the person or persons appearing to be entitled thereto for two years after the termination of the utility services for which such amount was paid in advance or in anticipation, or, if during such period utility services are furnished by such corporation or ESCO to such consumer or subscriber and such amount is applied to the payment in advance or in anticipation of such utility services, for two years after the termination of such utility services.

(c) The amount of any refund of excess or increased rates or charges heretofore or hereafter collected by any such corporation or ESCO for utility services lawfully furnished by such corporation or ESCO which has been or shall hereafter lawfully be ordered refunded to a consumer or other person or persons entitled thereto, together with any interest due thereon, less any lawful deductions, which shall have remained unclaimed by the person or persons entitled thereto for two years from the date it became payable in accordance with the final determination or order providing for such refund.

2. Any such abandoned property held or owing by such a corporation or ESCO to which the right to receive the same is established to the satisfaction of such corporation or ESCO shall cease to be deemed abandoned.

§ 402. Publication of notice of abandoned property. 1. Every such corporation or ESCO shall cause to be published, on or before the first day of September in each year, a notice entitled: "NOTICE OF CERTAIN UNCLAIMED PROPERTY HELD BY (name of corporation or ESCO)."

2. Such notice shall be published once in two newspapers published in the county where such deposits, payments or payments to be refunded were made. If there is only one newspaper published in any such county, such notice shall be published in such newspaper. If there are no newspapers published in such county, then such publication shall be in a newspaper published in an adjacent county. Such publication shall be in a newspaper printed in the English language and any other newspaper that will substantially serve to inform the public of such abandoned property. The comptroller shall promulgate rules to determine when it is appropriate to designate an additional publication.

3. Such notice shall be approved as to form by the state comptroller and shall state:

(a) that a report of unclaimed amounts of money or other property held or owing by it has been made to the state comptroller and that a list of the names of the person or persons appearing from the records of such corporation or ESCO to be entitled thereto is on file and open to public inspection at its principal office or place of business in any city, village or county where any such abandoned property is payable;

(b) that such deposits, payments and refunds, together with interest due thereon and less lawful deductions, will be paid by it on or before the succeeding thirtieth day of September to persons establishing to its satisfaction their right to receive the same; and

(c) that in the succeeding month of October, and on or before the tenth day thereof, such unclaimed deposits, payments and refunds, together with interest due thereon and less lawful deductions, still remaining will be paid to the state comptroller and that it shall thereupon cease to be liable therefor.

4. Such corporation or ESCO shall file with the state comptroller on or before the tenth day of September in each year proof by affidavit of such publication.

§ 403. Payment of abandoned property. 1. In such succeeding month of October, and on or before the tenth day thereof, every such corporation or ESCO shall pay to the state comptroller all property which, as of the first day of July next preceding, was deemed abandoned pursuant to section four hundred of this article, held or owing by such corporation or ESCO.

2. Such payment shall be accompanied by a true and accurate report setting forth such information as the state comptroller may require relating to such abandoned property including:

(a) as to abandoned property specified in paragraphs (a) and (b) of subdivision one of section four hundred of this article:

(i) the name and last known address of each depositor or subscriber appearing from the records of such corporation or ESCO to be entitled to receive any such abandoned property;

(ii) the date when the deposit was made or amount paid;

(iii) the amount of such deposit or payment;

(iv) the date when utility services furnished to such consumer or subscriber ceased;

(v) any sums due and unpaid to the corporation or ESCO by such consumer or subscriber, with interest thereon from the date of termination of service;

(vi) the amount of interest due upon such deposit or payment on any balance thereof that has remained with such corporation or ESCO and not been credited to such consumer's or subscriber's account;

(vii) the amount of such abandoned property; and

(viii) such other identifying information as the state comptroller may require.

(b) as to abandoned property specified in paragraph (c) of subdivision one of section four hundred of this article:

(i) the name and last known address of each person appearing from the records of such corporation or ESCO to be entitled to receive the same;

(ii) the amount appearing from such records to be due each such person;

(iii) the date payment became due; and

(iv) such other identifying information as the state comptroller may require.

3. Such report shall be in such form and the abandoned property listed shall be classified in such manner as the state comptroller may prescribe. Names of persons entitled to such abandoned property appearing in such report shall be listed in alphabetical order within each such classification.

ARTICLE V

UNCLAIMED PROPERTY HELD OR OWING FOR PAYMENT TO SECURITY HOLDERS

§ 500. Definitions. When used in this article, the following terms shall have the following meanings:

1. (a) "Corporation" shall mean any corporation (other than a public corporation as defined in paragraph (b) of this subdivision), joint stock company, association of two or more individuals, committee, partnership, investment company (as defined by, and which is registered under, an act of Congress of the United States entitled the "Investment Company Act of 1940", as amended), unit investment trust or business trust, whether or not for profit.

(b) "Public corporation" shall mean any state and a public corporation as defined in section sixty-six of the general construction law, but shall not mean an agency or political subdivision of the United States or of a foreign nation.

2. "Security" shall mean:

(a) Any instrument issued by a corporation or public corporation or any entry on the books and records of such corporation or public corporation evidencing an obligation to make any payment of the principal amount of a debt or of any increment due or to become due thereon; or

(b) Any instrument issued by a corporation to evidence a proprietary interest therein or any intangible interest in a corporation as evidenced by the books and records of the corporation except:

(i) A policy of insurance issued by a mutual insurance corporation, or

(ii) A share issued by a savings and loan association, a building and loan association, or a credit union.

For the purposes of this article, an industrial development bond or an industrial revenue bond shall be deemed a security issued by a public corporation.

3. "Domestic corporation" shall mean any corporation organized under the laws of this state or under the laws of this state and one or more other states or foreign countries, but shall not mean a banking organization as defined in this chapter.

4. "Foreign corporation" shall mean any corporation organized under the laws of a state other than New York or under the laws of a foreign country and doing business in this state or authorized to do business in this state, but shall not mean a banking organization as defined in this chapter. "Non-authorized foreign corporation" shall mean any corporation organized under the laws of a state other than New York which is neither doing business nor authorized to do business in this state.

5. "Fiduciary" shall mean any individual or any domestic or foreign

corporation holding a security for a resident or receiving, as agent of a corporation or as holder of a security, any amount due or to become due a resident as the holder or owner of a security but shall not mean any individual or corporation so acting by direction of a court in any case where such court has not directed a distribution of such amount or security.

6. "Resident" shall mean:

(a) An individual domiciled in this state;

(b) A domestic corporation;

(c) A banking organization, as defined in section one hundred three of this chapter; and

(d) This state and any public corporation organized under its laws.

7. (a) "Amount" shall include, but is not limited to, any dividend, profit or other distribution, whether in cash or securities, and any interest or other payment on or of principal, including the cash value of any security which has matured or has been called for full or partial redemption or is payable to security owners or former security owners entitled to payments as the result of a merger, consolidation, acquisition or conversion of any type.

(b) An amount is deemed to be "distributable" or "payable" for the purposes of this article notwithstanding any requirement that a security or other instrument must be presented, exchanged or surrendered, or that an owner must affirmatively make any claim for payment, before actual payment of such amount may be effected.

8. "Wages" shall include moneys payable, under contract or otherwise, for services rendered to a domestic or foreign corporation or fiduciary, including but not limited to payment of salaries, commissions, royalties, expenses, employee benefits, and insurance benefits payable by a corporation pursuant to a self-insurance plan, less lawful deductions.

§ 501. Unclaimed property; when deemed abandoned. 1. (a) Any amount which, on or after January first, nineteen hundred forty-seven, shall have become payable or distributable by a domestic, foreign or public corporation or by a fiduciary to a resident as the owner or former owner of a security as defined in paragraph (a) of subdivision two of section five hundred of this article, shall be deemed abandoned when the security with respect to which such amount is payable or distributable has been deemed abandoned, or when such amount:

(i) is payable or distributable to such resident as the owner or former owner of such security; and

(ii) has, on the thirty-first day of December in any year, remained unpaid to or unclaimed by such resident for a period of three years. For the purposes of this article, a security as defined in paragraph (a) of subdivision two of section five hundred of this article shall not be deemed abandoned until a period of three years has elapsed from the earlier of the maturity date of such security or the date such security has been called for redemption.

(b) Any amount which, on or after January first, nineteen hundred forty-seven shall have become payable or distributable by a domestic or foreign corporation or a fiduciary to a resident as the owner or former owner of a security as defined in paragraph (b) of subdivision two of section five hundred of this article, shall be deemed abandoned when the security with respect to which such amount is payable or distributable has been deemed abandoned or when such amount:

(i) is payable or distributable to such resident as the owner or former owner of such security; and

(ii) has, on the thirty-first day of December in any year, remained unpaid to or unclaimed by such resident for a period of three years.

2. (a) Except as provided in paragraph (b) of this subdivision, any security, as defined in paragraph (b) of subdivision two of section five hundred of this article, of any domestic corporation or foreign corporation owned by or formerly owned by a resident shall be deemed abandoned where, for three successive years:

(i) all amounts, if any, payable or distributable thereon or with respect thereto have remained unpaid to or unclaimed by such resident, and

(ii) no written communication has been received from such resident by the holder.

(b) (i) Any security, as defined in paragraph (b) of subdivision two of section five hundred of this article, of any domestic or foreign corporation in which a resident has an ownership interest and which is enrolled in a plan that provides for the automatic reinvestment of dividends, distributions, or other sums payable as the result of such interest shall be deemed abandoned when any security owned by such resident which is not enrolled in the plan has been deemed abandoned pursuant to paragraph (a) of this subdivision or when, for three successive years:

(1) all amounts, if any, payable thereon or with respect thereto have remained unpaid to or unclaimed by such resident, and

(2) no written communication has been received from such resident by the holder, and

(3) the holder does not know the location of such resident at the end of such three year period.

(ii) For purposes of this paragraph, the reinvestment of any dividend, distribution or other sum payable shall not be considered as payment of an amount for the purpose of extending the statutory period of inactivity after the expiration of which securities enrolled in a reinvestment plan are deemed abandoned.

(iii) Any corporation or fiduciary holding or evidencing on its books and records securities enrolled in a reinvestment plan shall notify the apparent owner by certified mail that such securities will be delivered to the state comptroller as abandoned property, pursuant to the provisions of section five hundred two of this article, unless such corporation or fiduciary receives written communication from the apparent owner of such securities indicating knowledge of such securities prior to the date that such securities are required to be delivered to the state comptroller. Such letter by certified mail shall be sent during the calendar year prior to the year in which such property would be required to be delivered to the state comptroller, but no later than the thirty-first day of December of such year. For purposes of this subdivision, a signed return receipt shall constitute written communication received by the holder from the apparent owner.

(iv) All corporations or fiduciaries holding or evidencing on its books and records securities enrolled in a reinvestment plan shall retain, for a period of five years following the thirty-first day of

December of the year for which a report of abandoned property has been filed, a list of (1) the dates and nature of any and all corporate notices which have been sent via first class mail to owners of such securities during the period to which such report relates, and (2) the names and addresses of all owners of such securities for whom postal authorities have returned any first class mail sent by the holder during the period to which such report relates, and the dates on which such mail was returned for each such owner. Nothing contained herein or in any other provision of this chapter shall preclude the state comptroller, in the performance of his duties under this chapter, from verifying that all such notices have been sent and whether or not such notices have been returned to the holder by the postal authorities.

2-a. Notwithstanding any other law to the contrary, any amount, security or other distribution payable or distributable to a resident as the result of a demutualization or similar reorganization of an insurance company shall be deemed abandoned where, for two successive years:

(a) all amounts, securities or other distributions have remained unpaid to or unclaimed by such resident, and

(b) no written communication from such resident has been received by the holder.

3. Any wages payable on or after July first, nineteen hundred sixty-three by a domestic or foreign corporation and held for a resident by such issuing corporation or held and payable by a fiduciary other than a broker or dealer as defined in section five hundred ten of this chapter for a resident shall be deemed to be abandoned property, where for three successive years:

(a) All such wages have remained unpaid to such resident, and

(b) No written communication has been received from such resident by the holder, and

(c) Notice regarding such wages has been sent by the corporation or fiduciary, via first class mail, to such resident at his last known address and such notice has been returned to the corporation or fiduciary by the postal authorities for inability to locate such resident.

4. For the purposes of this section the holder or owner of a security or payee of an amount or a payee of wages shall be deemed to be a resident when the records of the corporation or fiduciary indicate that the last known address of such holder, owner or payee is located within this state or, if the security was issued or the amount or wages were payable by a domestic corporation or a public corporation organized under the laws of this state, when such records do not indicate a last known address outside this state or when the address of such holder, owner or payee is unknown to such corporation or public corporation or fiduciary; or when the address of such holder, owner or payee is in a state not having a law relating to the disposition of abandoned property; or when the address of such holder, owner or payee is in a foreign country.

5. Any amount, wages or security with respect to which such domestic or foreign corporation or public corporation or fiduciary has on file written evidence received within the period specified for determining abandonment of such property that the person entitled to such amount or wages or for whom such security is held had knowledge thereof shall not be deemed abandoned property.

§ 502. Payment or delivery of abandoned property. 1. In the month of March in each year, and on or before the tenth day thereof, every domestic or foreign corporation or public corporation or fiduciary shall pay or deliver to the state comptroller all property which on the preceding thirty-first day of December was deemed abandoned pursuant to section five hundred one excepting such property as since that date has ceased to be abandoned.

2. Where any security delivered to the state comptroller pursuant to subdivision one hereof, is delivered by him to the issuing corporation, the security shall be transferred to him on the books of the corporation and a certificate registered in the name of the state comptroller shall be delivered to him or, if so requested by the comptroller, such corporation shall register such securities in book entry form in the

name of the comptroller. The corporation and its transfer agent, registrar or other person acting for or on behalf of the corporation in executing or delivering any such certificate or registering such securities shall be relieved from liability to any person for any losses or damages resulting from the issuance and delivery to the state comptroller of such certificate or registration of such securities.

§ 503. Report of abandoned property. Each payment or delivery of abandoned property pursuant to section five hundred two shall be accompanied by a written report, affirmed as true and accurate under penalty of perjury, in such form as the state comptroller shall prescribe, setting forth:

(a) The name and last known address, if any, of the person appearing to be entitled to such abandoned property;

(b) A description of such abandoned property;

(c) The number of shares represented or the face amount of the security;

(d) The amount of any principal, dividend, interest or other increment due thereon;

(e) The date such amount was demandable or payable; and

(f) Such other identifying information as the state comptroller may require.

§ 504. Reimbursement for property paid or delivered. A domestic or foreign corporation or public corporation or a fiduciary which has paid or delivered to the state comptroller abandoned property pursuant to section five hundred two may make payment to the person entitled thereto, and may file claim for reimbursement for such payment by the state comptroller, who shall, upon satisfactory proof of such payment and after audit, reimburse such domestic or foreign corporation or public corporation or fiduciary. In no event, however, shall such reimbursement exceed the amount to which the claimant is entitled pursuant to subdivision two of section fourteen hundred three of this chapter.

ARTICLE V-A

UNCLAIMED PROPERTY HELD BY BROKERS

§ 510. Definitions. When used in this article, the following items shall have the following meanings:

1. "Corporation" shall include any joint stock company, corporation, association of two or more individuals, committee, public authority, or business trust.

2. "Public issuer" shall include the United States, the several states and territories thereof, political subdivisions and municipal corporations within such states and territories, foreign countries and political subdivisions and municipal corporations within such foreign countries.

3. "Security" shall include:

(a) Any instrument issued by a corporation or public issuer to evidence an obligation to make any payment of the principal amount of a debt or of any increment due or to become due thereon, or

(b) Any instrument issued by a corporation to evidence a proprietary interest therein except:

(i) A policy of insurance issued by a mutual insurance corporation, or

(ii) A share issued by a savings and loan association, a building and loan association, or a credit union.

4. "Broker" shall include any individual or corporation engaging in the purchase, sale or exchange of securities for or on behalf of any customer.

5. "Dealer" shall include any individual or corporation engaging in any state as a regular business in the purchase, sale or exchange of securities for his or its own account, through a broker or otherwise.

6. (a) "Customer" shall include any individual or corporation entering into a contract with a broker or dealer by which such broker or dealer agrees to effect the purchase, sale, or exchange, or to keep custody of any security for or on behalf of such individual or corporation. The term "customer" shall also include any individual or corporation entering into a contract with a broker or dealer whereby such broker or dealer for his own account buys from or sells to such individual or corporation, any security.

(b) If on the books of account located at an office in this state of a broker or dealer there is indicated a balance to the credit of an individual or corporation with a last-known address in a state other than this state, such individual or corporation shall not be deemed a "customer".

7. "Amount" shall mean that term as defined in subdivision seven of section five hundred of this chapter.

8. "Wages" shall include moneys payable, under contract or otherwise, for services rendered to a broker or dealer, less lawful deductions.

§ 511. Unclaimed property; when deemed abandoned. The following unclaimed property shall be deemed abandoned property:

1. Any amount (a) received in this state after June thirtieth, nineteen hundred forty-six by a broker or dealer or nominee of such broker or dealer as the holder of record of a security remaining unpaid to the person entitled thereto for three years following the receipt thereof, or (b) when paid to such broker, dealer or nominee on or with respect to a security which has been deemed abandoned.

1-a. Any amount (a) received in this state on or after July first, nineteen hundred seventy-four by a broker or dealer or nominee of such broker or dealer other than as the holder of record of a security remaining unpaid to the person entitled thereto for three years following the receipt thereof, or (b) when paid to such broker, dealer or nominee on or with respect to a security which has been deemed abandoned.

2. Any amount (a) received in this state after June thirtieth, nineteen hundred forty-six due from a broker or dealer or nominee of such broker or dealer to a customer which has remained unpaid to the customer for three years after the date of the last entry, other than the receipt of dividends or interest in the account of such broker, dealer or nominee with such customer, or (b) payable on or with respect to a security which has been deemed abandoned.

3. Any security held in this state by a broker or dealer, or nominee of such broker or dealer, as the holder of record of a security for a customer or for a person or persons unknown to such broker or dealer or nominee where, for three successive years, all amounts paid thereon or with respect thereto and received after June thirtieth, nineteen hundred forty-six by such broker or dealer or nominee have remained unclaimed.

Provided, however, that if any amount or security specified in subdivision one, two or three of this section is reflected, recorded, or included in an account with respect to which such broker or dealer has on file evidence in writing received within the three years immediately preceding the thirty-first day of December preceding the date such amount or security would otherwise be payable or deliverable pursuant to section five hundred twelve that the person entitled thereto had knowledge of such account, then such amount or security shall not be deemed abandoned property.

4. Any security held by a broker or dealer or nominee of such broker or dealer reflected, recorded, or included in an account with respect to which, for three successive years, all statements of account or other communications which have been sent, via first class mail, to the customer at his last known address have been returned to such broker,

dealer or nominee by the postal authorities for inability to locate the customer, and no written communication has been received from the customer by such broker, dealer or nominee, provided such security was received or is held in this state by such broker, dealer or nominee or the last known address of the customer is located in this state.

5. Any wages held and payable on or after July first, nineteen hundred sixty-six by a broker or dealer, as defined in section five hundred ten of this article, for the benefit of a person or persons, known or unknown shall be deemed to be abandoned property, where for three successive years:

(a) All such wages have remained unpaid to such person, and

(b) No written communication has been received from such person by the holder, and

(c) Notice regarding such wages, if sent by the broker or dealer, via first class mail, to such person at his last known address has been returned to the broker or dealer by the postal authorities for inability to locate such person.

6. Any broker or dealer who satisfies the requirements of this subdivision may determine the property which on the thirty-first day of December in the years nineteen hundred seventy-two, nineteen hundred seventy-three, nineteen hundred seventy-four and nineteen hundred seventy-five shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to the years nineteen hundred sixty-seven, nineteen hundred sixty-eight, nineteen hundred sixty-nine, and nineteen hundred seventy by the method hereinafter in this subdivision described and the amount so determined as at any such date shall be deemed to be all of such abandoned property held by such broker or dealer pursuant to subdivisions one and three of this section on such date.

The broker or dealer shall compute separately for each of the years nineteen hundred sixty-five and nineteen hundred sixty-six (each of which years is referred to in this subdivision as a "base year") the total value of all stock and cash dividends received by such broker or dealer, or nominee of such broker or dealer, in this state during such year as the holder of record of a security. The value of any dividend paid in stock shall be the mean price of such stock during the calendar month in which the dividend was received as reported by any generally recognized statistical service or, if not so reported, as established in any other manner satisfactory to the state comptroller. The total value of all such stock and cash dividends thus determined for each base year shall be the denominator for that base year. The broker or dealer shall then determine the total value of all such dividends received during each base year belonging to unknown owners as reported to the state comptroller, or as required to be so reported pursuant to this article, which continued to be held by such broker or dealer, or nominee of such broker or dealer, unpaid to the person entitled thereto on the December thirty-first occurring five years after the close of such base year. To the extent any such dividends which continued to be so held unpaid on any such December thirty-first consisted of stock, such stock shall be valued at the mean price of such stock during the calendar month ending on such December thirty-first as reported by any generally recognized statistical service or, if not so reported, as established in any other manner satisfactory to the state comptroller. The total value of such remaining dividends thus determined for each base year shall be the numerator for that base year. The sum of the numerators for the base years shall be divided by the sum of the denominators for the base years and the result thus obtained shall be multiplied by two. The product obtained as the result of such multiplication shall be the average factor of such broker or dealer.

In order to determine the property which on the thirty-first day of December, nineteen hundred seventy-two shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to the year nineteen hundred sixty-seven the broker or dealer shall determine (i) the total value of all stock and cash dividends (valued as above provided) received by such broker or dealer, or nominee of such broker or dealer, in this state during nineteen hundred sixty-seven as the holder of record of a security and shall multiply such total value by the average factor of such broker or dealer, (ii) the aggregate amount of stock and cash dividends (valued as above provided) received by such broker or dealer, or nominee of such broker or dealer, in this state during nineteen hundred sixty-seven as the holder of record of a security for a person or persons unknown to such broker or dealer, less the cost incurred by such broker or dealer not later than the thirty-first day of December, nineteen hundred seventy-two in covering stock and cash dividends which should have been received by such broker or dealer, or nominee of such broker or dealer, during nineteen hundred sixty-seven but, according to the books and records of such broker or dealer, were not received, and (iii) the aggregate amount of interest payments received by such broker or dealer, or nominee of such broker or dealer, in this state during nineteen hundred sixty-seven on securities held for persons unknown to such broker or dealer, less the cost incurred by such broker or dealer not later than the thirty-first day of December, nineteen hundred seventy-two in covering interest payments which should have been received by such broker or dealer, or nominee of such broker or dealer, during nineteen hundred sixty-seven but, according to the books and records of such broker or dealer, were not received. The greater of the two amounts determined pursuant to clauses (i) and (ii) of the preceding sentence, plus the amount determined pursuant to clause (iii) of such sentence, shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to the year nineteen hundred sixty-seven on the thirty-first day of December nineteen hundred seventy-two.

In order to determine the property which on the thirty-first day of December, nineteen hundred seventy-three shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to the year nineteen hundred sixty-eight the broker or dealer shall determine (i) the total value of all stock and cash dividends (valued as above provided) received by such broker or dealer, or nominee of such broker or dealer, in this state during nineteen hundred sixty-eight as the holder of record of a security and shall multiply such total value by the average factor of such broker or dealer, (ii) the aggregate amount of stock and cash dividends (valued as above provided) received by such broker or dealer, or nominee of such broker or dealer, in this state during nineteen hundred sixty-eight as the holder of record of a security for a person or persons unknown to such broker or dealer, less the cost incurred by such broker or dealer not later than the thirty-first day of December, nineteen hundred seventy-three in covering stock and cash dividends which should have been received by such broker or dealer, or nominee of such broker or dealer, during nineteen hundred sixty-eight but, according to the books and records of such broker or dealer, were not received, and (iii) the aggregate amount of interest payments received by such broker or dealer, or nominee of such broker or dealer, in this state during nineteen hundred sixty-eight on securities held for persons unknown to such broker or dealer, less the cost incurred by such broker or dealer not later than the thirty-first day of December, nineteen hundred seventy-three in covering interest payments which should have been received by such broker or dealer, or nominee of such broker or dealer, during nineteen hundred sixty-eight but, according to the books and records of such broker or dealer, were not received. The greater of the two amounts determined pursuant to clauses (i) and (ii) of the preceding sentence, plus the amount determined pursuant to clause (iii) of such sentence, shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to the year nineteen hundred sixty-eight on the thirty-first day of December, nineteen hundred seventy-three.

In order to determine the property which on the thirty-first day of December, nineteen hundred seventy-four shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to the year nineteen hundred sixty-nine the broker or dealer shall determine (i) the total value of all stock and cash dividends (valued as above provided) received by such broker or dealer, or nominee of such broker or dealer, in this state during nineteen hundred sixty-nine as the holder of record of a security and shall multiply such total value by the average factor of such broker or dealer, (ii) the aggregate amount of stock and cash dividends (valued as above provided) received by such broker or dealer, or nominee of such broker or dealer, in this state during nineteen hundred sixty-nine as the holder of record of a security for a person or persons unknown to such broker or dealer, less the cost incurred by such broker or dealer not later than the thirty-first day of December, nineteen hundred seventy-four in covering stock and cash dividends which should have been received by such broker or dealer, or nominee of such broker or dealer, during nineteen hundred sixty-nine but, according to the books and records of such broker or dealer, were not received, and (iii) the aggregate amount of interest payments received by such broker or dealer, or nominee of such broker or dealer, in this state during nineteen hundred sixty-nine on securities held for persons unknown to such broker or dealer, less the cost incurred by such broker or dealer not later than the thirty-first day of December, nineteen hundred seventy-four in covering interest payments which should have been received by such broker or dealer, or nominee of such broker or dealer, during nineteen hundred sixty-nine but, according to the books and records of such broker or dealer, were not received. The greater of the two amounts determined pursuant to clauses (i) and (ii) of the preceding sentence, plus the amount determined pursuant to clause (iii) of such sentence, shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to the year nineteen hundred sixty-nine on the thirty-first day of December nineteen hundred seventy-four.

In order to determine the property which on the thirty-first day of December, nineteen hundred seventy-five shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to the year nineteen hundred seventy the broker or dealer shall determine (i) the total value of all stock and cash dividends (valued as above provided) received by such broker or dealer, or nominee of such broker or dealer, in this state during nineteen hundred seventy as the holder of record of a security and shall multiply such total value by the average factor of such broker or dealer, (ii) the aggregate amount of stock and cash dividends (valued as above provided) received by such broker or dealer, or nominee of such broker or dealer, in this state during nineteen hundred seventy as the holder of record of a security for a person or persons unknown to such broker or dealer, less the cost incurred by such broker or dealer not later than the thirty-first day of December, nineteen hundred seventy-five in covering stock and cash dividends which should have been received by such broker or dealer, or nominee of such broker or dealer, during nineteen hundred seventy but, according to the books and records of such broker or dealer, were not received, and (iii) the aggregate amount of interest payments received by such broker or dealer, or nominee of such broker or dealer, in this state during nineteen hundred sixty-nine on securities held for persons unknown to such broker or dealer, less the cost incurred by such broker or dealer not later than the thirty-first day of December, nineteen hundred seventy-five in covering interest payments which should have been received by such broker or dealer, or nominee of such broker or dealer, during nineteen hundred seventy but, according to the books and records of such broker or dealer, were not received. The greater of the two amounts determined pursuant to clauses (i) and (ii) of the preceding sentence, plus the amount determined pursuant to clause (iii) of such sentence, shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to the year nineteen hundred seventy on the thirty-first day of December, nineteen hundred seventy-five.

Each broker or dealer which uses the procedure described above in this subdivision shall maintain for a period of not less than six years commencing January first, nineteen hundred seventy-two, books and records evidencing the receipt of dividends in this state for each of the base years, and the payment thereof over the five years succeeding each base year.

Any broker or dealer who chooses to determine the property which on the thirty-first day of December in the years nineteen hundred seventy-two or nineteen hundred seventy-three shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to the years nineteen hundred sixty-seven or nineteen hundred sixty-eight by the method described in this subdivision shall thereafter determine the property which on the thirty-first day of December in each subsequent year ending not later than December thirty-first, nineteen hundred seventy-five shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to a year not later than nineteen hundred seventy by the method described in this subdivision. No broker or dealer may choose to determine the property which on the thirty-first day of December in the years nineteen hundred seventy-four or nineteen hundred seventy-five shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to the years nineteen hundred sixty-nine or nineteen hundred seventy by the method described in this subdivision unless such broker or dealer shall have used the method described in this subdivision to determine the property which on the thirty-first day of December in the year nineteen hundred seventy-three shall be deemed abandoned property pursuant to subdivisions one and three of this section relating to the year nineteen hundred sixty-eight.

The method of determining abandoned property pursuant to subdivisions one and three of this section as described in this subdivision shall be available only to such brokers or dealers as have made written reports pursuant to section five hundred thirteen in each of the years nineteen hundred seventy-one and nineteen hundred seventy-two covering each of the base years.

In the event that an audit of a broker or dealer by the state comptroller establishes that one or more of the dollar values determined by the broker or dealer for the purpose of computing the average factor of such broker or dealer pursuant to this subdivision was incorrect, the corrected average factor of such broker or dealer established as a result of such audit shall be determined to be the average factor required to be used by such broker or dealer in determining abandoned property pursuant to this subdivision.

Any broker or dealer who does not determine abandoned property pursuant to subdivisions one and three of this section by the method described in this subdivision and who during any of the calendar years nineteen hundred sixty-seven, nineteen hundred sixty-eight, nineteen hundred sixty-nine or nineteen hundred seventy received in this state any stock dividend as the holder of record of a security for a person or persons unknown to such broker or dealer and who sold any such stock dividend during any such or subsequent calendar year, shall pay the proceeds of such sale to the state comptroller not later than the thirty-first day of December, nineteen hundred seventy-three and such proceeds shall, for all purposes of this chapter be deemed abandoned property on the thirty-first day of December of the calendar year during which such sale takes place.

§ 512. Payment or delivery of abandoned property. 1. In the month of March of each year, and on or before the tenth day thereof, every broker or dealer shall pay or deliver to the state comptroller all property which on the preceding thirty-first day of December was deemed abandoned property pursuant to section five hundred eleven excepting such property as since that date has ceased to be abandoned.

2. Where any security delivered to the state comptroller pursuant to subdivision one hereof, is delivered by him to the issuing corporation, the security shall be transferred to him on the books of the corporation and a certificate registered in the name of the state comptroller shall be delivered to him. The corporation and its transfer agent, registrar or other person acting for or on behalf of the corporation in executing or delivering such certificate shall be relieved from liability to any person for any losses or damages resulting from the issuance and delivery to the state comptroller of such certificate.

§ 513. Report to accompany payment or delivery. A payment or delivery pursuant to section five hundred twelve shall be accompanied by a written report, affirmed as true and accurate under penalty of perjury, in such form as the state comptroller may prescribe, setting forth:

1. With reference to any amount specified in subdivision one of section five hundred eleven,

(a) A description of the security,

(b) The number of shares represented or the face amount of the security,

(c) The date the dividend or interest was payable, and

(d) Such other information as the state comptroller may require.

2. With reference to any amount specified in subdivision two of section five hundred eleven,

(a) The name and last known address, if any, of the customer entitled to such amount,

(b) The date of the last entry, other than the credit of interest or dividends, in the account in which such amount is reflected, recorded or included, and

(c) Such other information as the state comptroller may require.

3. With reference to any security specified in subdivision three or four of section five hundred eleven,

(a) A description of the abandoned security,

(b) The number of shares represented or the face amount of the security,

(c) The name and last known address, if any, of the person appearing to be entitled to such abandoned property, and

(d) Such other information as the state comptroller may require.

4. In case any broker or dealer determines the property which shall be deemed abandoned property pursuant to subdivisions one and three of section five hundred eleven by the method provided in subdivision six of that section, the payment of such abandoned property shall be accompanied by a written report, affirmed as true and accurate under penalty of perjury, in such form as the state comptroller may prescribe, which, among other things, shall set forth the computation of the average factor of such broker or dealer pursuant to subdivision six of section five hundred eleven. Each written report accompanying the payment of abandoned property determined pursuant to subdivision six of section five hundred eleven shall contain an undertaking by the broker or dealer making such payment to honor all claims to the extent herein provided whenever made against such broker or dealer by any person determined by him or proved to be entitled to receive from him a stock or cash dividend received in this state during the calendar year covered by such report as the holder of record of a security or an interest payment on a security received in this state during such year. Such undertaking shall obligate the broker or dealer to honor any such claim provided that the payment of abandoned property relating to the year in question determined pursuant to subdivision six of section five hundred eleven made by such broker or dealer to the state comptroller has been exhausted as a result of reimbursements by the state comptroller to the broker or dealer or to other persons claiming such abandoned property as provided in subdivision two of section five hundred fourteen. To the

extent related to any stock dividend, any such claim shall not exceed the fair market value of such stock dividend on the thirty-first day of December of the year in which such stock dividend was deemed abandoned property.

§ 513-a. Retention of books and records. 1. Every broker or dealer shall retain the books and records set forth in subdivision two of this section relating to the years nineteen hundred sixty-seven, nineteen hundred sixty-eight, nineteen hundred sixty-nine and nineteen hundred seventy for a period of ten years following the end of the year in which created; shall retain all such books and records relating to the year nineteen hundred seventy-one for a period of nine years following the close of nineteen hundred seventy-one; and shall retain all such books and records relating to any subsequent calendar year for a period of ten years following the end of the year in which created. The books and records so retained shall be made available to the state comptroller upon his request in the performance of his duties under this chapter.

2. The following books and records shall be those referred to in subdivision one of this section: general ledgers, customers ledgers; daily and weekly stock position records; dividend sheets; cash blotters; purchase and sales blotters; daily journals; bank reconciliations; cancelled checks; claim letters; independent auditor's reports; trial balances; private ledgers; financial statements and supporting data; chart of accounts; and copies of abandoned property reports.

§ 514. Reimbursement of brokers or dealers. 1. A broker or dealer which has paid or delivered to the state comptroller abandoned property pursuant to section five hundred twelve may elect to make payment to the person entitled thereto. A broker or dealer making such payment may file claim for reimbursement by the state comptroller. The state comptroller upon satisfactory proof of such payment shall, after audit, reimburse such broker or dealer. In no event, however, shall such reimbursement exceed the amount to which the claimant is entitled pursuant to subdivision two of section fourteen hundred three of this chapter.

2. A broker or dealer which has paid to the state comptroller abandoned property relating to any of the years nineteen hundred sixty-seven, nineteen hundred sixty-eight, nineteen hundred sixty-nine or nineteen hundred seventy, determined pursuant to subdivision six of section five hundred eleven, may elect thereafter to make payment to a person entitled to receive (i) a stock or cash dividend received in this state during any such year by such broker or dealer, or nominee of such broker or dealer, as the holder of record of a security, or (ii) an interest payment on a security received in this state during any such year by such broker or dealer, or nominee of such broker or dealer. A broker or dealer making any such payment may file claim for reimbursement by the state comptroller. Subject to the provisions of this subdivision, the state comptroller upon satisfactory proof that a broker or dealer has made payment to the person entitled thereto shall, after audit of such claim, reimburse such broker or dealer. In no event shall the amount or amounts reimbursed by the state comptroller to a broker or dealer relating to any of the years nineteen hundred sixty-seven, nineteen hundred sixty-eight, nineteen hundred sixty-nine or nineteen hundred seventy, plus amounts paid by the state comptroller to any person claiming such abandoned property relating to any of such years, exceed the amount paid by the broker or dealer to the state comptroller pursuant to subdivision six of section five hundred eleven relating to such year. In no event shall the amount paid by the state comptroller to any person claiming a stock dividend received by a broker or dealer, or nominee of such broker or dealer, in any of such years, or to a broker or dealer in reimbursement of any such claim paid by such broker or dealer, exceed the value of such stock dividend as most recently reported by any generally recognized statistical service on the thirty-first day of December of the year in which such stock was deemed abandoned property.

ARTICLE VI

UNCLAIMED OR UNKNOWN OWNER COURT FUNDS

§ 600. Unclaimed or unknown owner court funds. 1. The following unclaimed property shall be deemed abandoned property:

(a) Any moneys including the monetary proceeds from the sale of tangible personal property and securities or other intangible property paid into court, which, except as provided in section ten hundred of this chapter, shall have remained in the hands of any county treasurer, or the commissioner of finance of the city of New York, for three years, together with all accumulations of interest or other increment thereon, less such legal fees as he may be entitled to.

(b) The monetary proceeds representing any legacy or distribution share to which an unknown person is entitled, as specified in section two thousand two hundred twenty-two of the surrogate's court procedure act.

2. Any abandoned property held or owing by a county treasurer or the commissioner of finance of the city of New York to which the right to receive the same is established to the satisfaction of such county treasurer or commissioner of finance of the city of New York shall cease to be abandoned.

3. Notwithstanding the provisions of this section, deposits made with a county treasurer or the commissioner of finance of the city of New York pursuant to order of a court, made subsequent to the second day of April nineteen hundred fifty-two, for the benefit of a person who was an infant at the time of the making of such order, shall not be subject to the provisions of this chapter until such infant attains the age of eighteen years.

§ 601. Publication of list of abandoned property. 1. On or before the first day of February in each year, such county treasurer or the commissioner of finance of the city of New York shall cause to be published a notice entitled: "NOTICE OF NAMES OF PERSONS APPEARING AS

OWNERS OF CERTAIN UNCLAIMED PROPERTY HELD BY (title of officer)."

2. Such notice shall be published once in two newspapers published in the county where such abandoned property is held, except that if such abandoned property is held by the commissioner of finance of the city of New York it shall be published once in two newspapers published daily in the city of New York, not more than one of which shall be published in any one county. If there is only one newspaper published in any such county, such notice shall be published in such newspaper, or, if there are no newspapers published in such county, then in a newspaper published in an adjacent county. Such publication shall be in a newspaper printed in the English language and any other newspaper that will substantially serve to inform the public of such abandoned property. The comptroller shall promulgate rules to determine when it is appropriate to designate an additional publication.

3. Such notice shall be classified as the state comptroller shall prescribe and shall set forth:

(a) the names and last-known addresses, in alphabetical order, of all persons appearing to be entitled to any such abandoned property, as of the first day of January next preceding, amounting to fifty dollars or more, except the names of persons appearing to be the owners of abandoned property which since such date has ceased to be abandoned. With the consent of the state comptroller, the name and last known address of any person may be omitted from such notice where special circumstances make it desirable that such information be withheld;

(b) such other information as the state comptroller may require; and

(c) a statement

(i) that a list of the names contained in such notice is on file and open to public inspection at the office of such officer;

(ii) that such unclaimed moneys or other property will be paid or delivered by him on or before the thirty-first day of March to persons establishing to his satisfaction their right to receive the same; and

(iii) that in the succeeding month of April, and on or before the tenth day thereof, such unclaimed moneys or other property still remaining will be paid or delivered to the state comptroller and that he shall thereupon cease to be liable therefor.

4. Such county treasurer or commissioner of finance of the city of New York shall file with the state comptroller on or before the tenth day of February in each year proof by affidavit of such publication.

§ 602. Payment of abandoned property. 1. In such succeeding month of April, and on or before the tenth day thereof, every county treasurer and the commissioner of finance of the city of New York shall pay or deliver to the state comptroller all abandoned property specified in paragraph (a) of subdivision one of section six hundred, which was so abandoned as of the first day of January next preceding.

2. Within thirty days after a decree as provided by section two thousand two hundred twenty-two of the surrogate's court procedure act, the executor, administrator, guardian or testamentary trustee shall pay or deliver to the state comptroller all abandoned property specified in paragraph (b) of subdivision one of section six hundred.

4. A payment or delivery of abandoned property required to be made pursuant to subdivision one or subdivision three of this section may be made without an order.

§ 603. Report to accompany payment. Each such payment of abandoned property pursuant to section six hundred two shall be accompanied by a written report, affirmed as true and accurate under penalty of perjury, classified as the state comptroller shall prescribe, setting forth:

(a) The names and last known addresses, if any, of the persons entitled to receive such abandoned property;

(b) The title of any proceeding relating to such abandoned property; and

(c) Such other identifying information as the state comptroller may require.

ARTICLE VII

UNCLAIMED LIFE INSURANCE FUNDS

§ 700. Unclaimed life insurance corporation moneys. 1. The following unclaimed property held or owing by life insurance corporations shall be deemed abandoned property:

(a) Any moneys held or owing by any life insurance corporation which shall have remained unclaimed for three years by the person or persons appearing to be entitled thereto under matured life insurance policies on the endowment plan and which are payable to any person whose last-known address, according to the records of the corporation, is within this state.

(b) Any moneys held or owing by any life insurance corporation which are payable under other kinds of life insurance policies to any person whose last-known address, according to the records of the corporation, is within this state, where the insured, if living, would have attained the limiting age under the mortality table on which the reserves are based, exclusive of

(i) any policy which has within three years been assigned, readjusted, kept in force by payment of premium, reinstated or subjected to loan, or

(ii) any policy with respect to which such corporation has on file written evidence received within three years that the person or persons apparently entitled to claim thereunder have knowledge thereof.

(c) Any moneys held or owing by any life insurance corporation due to beneficiaries or other persons entitled thereto under policies on the lives of persons who have died where the last-known address, according to the records of the corporation, of the person or persons appearing to be entitled thereto is within this state, which moneys shall have remained unclaimed by the person or persons entitled thereto for three years.

(d) Any other moneys which are held or owing by any life insurance corporation on or after July first, nineteen hundred sixty-seven constituting or representing refunds of any kind due upon or in connection with life insurance policies payable to any person whose last known address, according to the records of the corporation, is within this state, which moneys shall have remained unclaimed by the person entitled thereto for three years.

(e) Any moneys held or owing by any life insurance corporation on or after July first, nineteen hundred eighty-three upon or in connection with an annuity contract payable to any person whose last-known address, according to the records of the corporation, is within this state, which moneys shall have remained unclaimed by the person entitled thereto for three years.

(f) If no address of the person or persons appearing to be entitled to the unclaimed funds pursuant to (a), (b), (c), (d) or (e) of this subdivision is known to such corporation, or if it is not definite and certain from the records of such corporation what person is entitled to such funds, it shall be presumed that the last-known address of the person entitled to such funds is the same as the last-known address of the insured or annuitant according to the records of such corporation. Where no address can be ascertained, pursuant to this paragraph, for the insured, annuitant or person or persons entitled to the unclaimed funds, such person's last-known address shall be presumed to be within this state if the unclaimed funds are held or owing by life insurance corporation organized under the laws of this state.

2. Any such abandoned property held or owing by a life insurance corporation to which the right to receive the same is established to the satisfaction of such corporation shall cease to be deemed abandoned.

§ 702. Publication of list of abandoned property. 1. Every such life insurance corporation shall cause to be published, on or before the first day of May in each year, a notice entitled: "NOTICE OF NAMES OF

PERSONS APPEARING AS OWNERS OF CERTAIN UNCLAIMED PROPERTY HELD BY (name of life insurance corporation)."

2. Such notice shall be published once in at least one newspaper published in the county of the state in which is located the last-known address of the holder of a policy under which such abandoned property is payable. If there are no newspapers published in such county then such notice shall be published in a newspaper published in an adjacent county. Such publication shall be in a newspaper printed in the English language and any other newspaper that will substantially serve to inform the public of said abandoned property. The comptroller shall promulgate rules to determine when it is appropriate to designate an additional publication.

3. Such notice shall set forth:

(a) the names and last known addresses which were in such report, of all persons appearing to be entitled to any such abandoned property amounting to fifty dollars or more; provided, however, that with the consent of the state comptroller, the name and last known address of any person may be omitted from such notice where special circumstances make it desirable that such information be withheld. Such names shall be listed in alphabetical order;

(b) such other information as the state comptroller may require; and

(c) a statement

(i) that a report of unclaimed amounts of money held or owing by it has been made to the comptroller of the state of New York and that a list of the names contained in such notice is on file and open to public inspection at the principal office or place of business of such life insurance corporation in any city, village or county where any such abandoned property is payable;

(ii) that such unclaimed moneys will be paid by it on or before the succeeding thirty-first day of August to persons establishing to its satisfaction their right to receive the same; and

(iii) that in the succeeding month of September, and on or before the tenth day thereof, such unclaimed moneys still remaining will be paid to the comptroller of the state of New York and that it shall thereupon cease to be liable therefor.

4. Such life insurance corporation shall file with the state comptroller on or before the tenth day of May in each year proof by affidavit of such publication.

§ 703. Payment of abandoned property. 1. In such succeeding month of September, and on or before the succeeding tenth day thereof, every such life insurance corporation shall pay to the state comptroller all property which, as of the first day of January next preceding, was deemed abandoned pursuant to section seven hundred of this article, held or owing by such life insurance corporation.

2. Such payment shall be accompanied by a true and accurate report setting forth such information as the state comptroller may require relative to such abandoned property including:

(a) the name and last known address of any person or persons appearing from the records of such life insurance corporation to be entitled to receive any such abandoned property;

(b) the amount appearing from the records of such corporation to be due;

(c) the policy number and policy age of the insured;

(d) the date such abandoned property was payable;

(e) the names and last known addresses of each beneficiary appearing in the records of the insurer; and

(f) such other identifying information as the state comptroller may require.

3. Such report shall be in such form and the abandoned property listed shall be classified in such manner as the state comptroller may prescribe. Names of persons appearing to be entitled to such property or of beneficiaries appearing in such report shall be listed in alphabetical order within each such classification.

§ 704. Life insurance departments of savings and insurance banks. The life insurance department of any savings and insurance bank shall be regarded as a domestic life insurance corporation for the purposes of this article and such savings and insurance banks shall comply with and be subject to all the provisions of this article with respect to the actions and transactions of such life insurance department.

§ 705. Unclaimed and undistributed property held by superintendent of financial services, as liquidator, upon completion of proceeding. 1. Upon filing the final report or accounting of the superintendent of financial services, as liquidator, closing any proceeding commenced under article seventy-four of the insurance law, all unclaimed and undistributed dividends and other assets of every nature and description whatsoever, including assets of a special or trust nature, which have been held by the liquidator for five years or more, and which the liquidator has not been specifically directed to hold for a longer period by supreme court order, shall be deemed abandoned property.

2. Any such abandoned property held by the superintendent of financial services, as liquidator, to which the right to receive the same is established as provided by law, shall cease to be deemed abandoned.

§ 706. Payment of abandoned property after liquidation by superintendent of financial services. 1. Not later than the first day of October in every year the superintendent of financial services shall pay to the state comptroller all such abandoned property held by him which shall have become abandoned at any time prior to the first day of July next preceding, excepting such abandoned property as since such first day of July shall have ceased to be abandoned.

2. Such payment shall be accompanied by a statement signed by the superintendent of financial services setting forth the name and last known address, and the amount owing to, each person appearing to be the owner of any such abandoned property, or, if the name is unknown, the nature of the original claim and the name of the insurer, and such other identifying information as the state comptroller may require.

§ 707. Reimbursement for claims paid by insurers. Any life insurance corporation which has paid to the state comptroller moneys deemed abandoned property pursuant to the provisions of this article may make payment to any person entitled to all or any part thereof and shall thereby acquire all of the rights of such person to payment by the state comptroller.

ARTICLE X

UNCLAIMED CONDEMNATION AWARDS

§ 1000. Unclaimed condemnation awards. 1. (a) Any moneys held or owing for the payment of an award made by a court in any condemnation proceeding and payable by a public corporation or other corporation possessing powers of condemnation, which shall have remained unclaimed by the person or persons appearing to be entitled thereto for three years after confirmation by the court, together with any interest due thereon, less, when an award is payable by a public corporation, any amount due such public corporation at the time of title vesting for tax, water or any other liens on the same parcel the award was for, with any interest due thereon, and any amount due such public corporation at the time of title vesting or at the time of confirmation, whichever is later, for an assessment on the same parcel the award was for, with any interest due thereon, shall be deemed abandoned property. In any condemnation proceedings in which the court shall have not made an award, any moneys paid into court, including interest thereon, shall be subject to the provisions of article six of this chapter and this section shall have no application thereto.

(b) The issuance of a warrant for such an award shall not prevent an award from being deemed abandoned property if such warrant is unclaimed three years after confirmation of such award by the court.

2. Any such abandoned property held or owing by such a corporation to which the right to receive the same is established to the satisfaction of such corporation shall cease to be deemed abandoned.

§ 1002. Publication of notice of abandoned property. 1. Every such corporation shall cause to be published, on or before the first day of November in each year, once in a newspaper of general circulation in each county where a damaged parcel included in such report is located a notice, approved as to form by the state comptroller, stating:

(a) That a report of all awards in condemnation proceedings unclaimed for more than three years has been made to the state comptroller and that a copy thereof is on file and open to public inspection, if a public corporation at the office of the chief fiscal officer thereof; or if not a public corporation at the principal office or place of business of such corporation;

(b) That such awards, together with any interest due thereon and less lawful deductions, will be paid by it on or before the succeeding thirty-first day of January to persons establishing to its satisfaction their right to receive the same; and

(c) That in the succeeding month of February, and on or before the tenth day thereof, such awards, together with any interest due thereon and less lawful deductions, still remaining will be paid to the state comptroller and that it shall thereupon cease to be liable therefor.

2. Such corporation shall file with the state comptroller on or before the tenth day of November proof by affidavit of such publication.

§ 1003. Payment of abandoned property. 1. In such succeeding month of February, and on or before the tenth day thereof, every such public and other corporation shall pay to the state comptroller all property which, as of the first day of July next preceding, was deemed abandoned pursuant to section one thousand of this article, held or owing by such corporation.

2. Such payment shall be accompanied by a true and accurate report

setting forth such information as the state comptroller may require in relation to such abandoned property including the title of the proceeding, the name and last known address of the awardee if such award is made to a known owner, the date of confirmation, the damage parcel number, the amount of the award, and the amount of any interest due thereon and, if a deduction is claimed for liens by a public corporation, the nature and amount of such liens and any interest claimed thereon.

ARTICLE XII

ESCHEAT OF PROPERTY PAID OR DEPOSITED IN FEDERAL COURTS

§ 1200. Unclaimed property paid or deposited in federal courts. All money or other property which shall have been, or shall hereafter be, paid into or deposited in the custody of, or be under the control of, any court of the United States in and for any district within the state, or shall have been or hereafter shall be in the custody of any depository, registry, clerk, or other officer of such court, and the rightful owner or owners thereof either (a) shall have been or shall be unknown for a period of ten consecutive years; or (b) shall have died or shall die without having disposed thereof, and without having left or without leaving a will disposing thereof, and without having left or without leaving heirs, next-of-kin, or distributees; or (c) shall have abandoned or shall abandon such funds or property, are declared to have escheated or to escheat, together with all interest accrued thereon, to and to have become or to become the property of the state.

§ 1201. Presumption of abandonment. In any proceeding authorized by this article if it shall appear from the records of the court of the United States that the rightful owner or owners of money or property which has been or shall hereafter be deposited in the custody or be under the control of, such court, or in the custody of its depository, registry, clerk, or other officer, have not made claim thereto for a period of ten successive years, it shall be presumed for all purposes of this article that such rightful owner or owners are, and during such period have been, unknown, and that they have died without having disposed thereof, and without having left a will, and without having left any heirs, next-of-kin, or distributees, and that such property has been abandoned. In a case where the rightful owners of such money or property was a corporation it shall also be presumed for purposes of this article that the corporation is dissolved and no longer in existence, and its charter forfeited, and all the foregoing presumptions set forth in this section shall be made with respect to the rightful owners or claimants to the assets of such corporation, including its stockholders and creditors. Any or all of the foregoing several presumptions may be rebutted by competent evidence to the contrary.

§ 1202. Special proceeding for escheat. Whenever it shall appear, after investigation by the comptroller or otherwise, that there exists or may exist escheated property under this article, the attorney-general may institute a special proceeding in the name of the people of the state of New York for an adjudication that an escheat to the state of such property has occurred, and he shall take appropriate action to recover such funds or property.

§ 1203. Jurisdiction. The supreme court shall have jurisdiction to hear and determine such a special proceeding. Such proceeding shall be commenced in the supreme court for the county in which is located the court of the United States into which such escheated property has been paid or which has control or custody of said property, or which has jurisdiction to make orders for the payment of such funds or property to the rightful owners thereof.

§ 1204. Respondents. There shall be named as respondents:

(a) All last known owners or claimants as disclosed by the records of such court, provided however that if (1) the particular fund does not exceed five hundred dollars, or (2) such last known owners or claimants, with respect to a particular fund, exceed ten in number, or (3) the records of such court fail to disclose the number of owners or claimants with respect to a particular fund with a reasonable degree of certainty, they may be designated and described as a class, to wit, as "last known owners or claimants to the fund or property deposited to the credit of the following entitled actions or proceedings in the United States District Court for the .... District of New York: (naming the actions and proceedings by their titles as appearing on the original process which instituted such actions or proceedings, or by suitable abbreviations thereof, which shall sufficiently describe such actions and proceedings); and

(b) All unknown owners or claimants, who may be designated and described as "unknown owners or claimants to the fund or property deposited to the credit of the following entitled actions or proceedings in the United States district court for the .... district of New York: (naming the actions and proceedings by their titles as appearing on the original process which instituted such actions or proceedings, or by suitable abbreviations thereof, which shall sufficiently describe such actions and proceedings)."

§ 1205. Contents of petition. The petition shall briefly describe the fund or property with respect to which the proceeding is brought, and the nature of the action or proceeding which gave rise to the fund or property. It may include one or more items, as the attorney-general may be advised, without prejudice to his right subsequently to commence proceedings relating to other items not included. It shall also set forth the facts from which the court may find, or from which a presumption may arise, that (a) the rightful owner or owners of the fund or property are unknown; or (b) that they have died without having disposed thereof, and without having left a will, disposing thereof and without having left any heirs, next-of-kin or distributees; or (c) that such property has been abandoned.

§ 1206. Service of notice and petition. 1. The notice and petition shall be served upon the clerk of the court into which or into whose registry the fund or property has been paid or deposited or which has control or custody thereof, or which has jurisdiction to make orders for the payment of such money to the rightful owners thereof, together with a notice that no personal claim is made against him, and also upon the United States attorney for the district in which such court is located.

2. The notice shall be served by publication, as hereinafter set forth, upon the other respondents described in subdivisions (a) and (b) of section twelve hundred four of this act. The court, upon finding that the petition sufficiently sets forth the facts required under section twelve hundred one of this article, may make any or all of the presumptions set forth in such section and make an order directing that the notice be served upon such respondents by publication thereof not less than once in each of four successive weeks in two newspapers in the English language designated in the order as most likely to give notice to such owners or claimants, which newspapers shall be published in the county in which the escheat proceeding shall be commenced, and also by publication thereof in the state bulletin as provided in the executive law.

§ 1207. Contents and time of answer. For the purpose of reckoning the time within which a respondent must appear or answer, service by publication under this article is complete on the twenty-eighth day after the date of first publication. Any respondent, or any person making claim to any of the property or funds described in the petition, shall have sixty days after completion of service within which to appear, and the time for all further proceedings shall be as prescribed for proceedings in the supreme court. The answer shall be verified, shall set forth the true name, residence and business address, if any, of the claiming respondent, and shall set forth in full detail the basis of the claim and the respondent's claim of title thereto.

§ 1208. Amendment of proceedings. On application of the attorney-general the court shall:

(a) order the proceeding with respect to items, or portions thereof, as to which claimants appear, to be severed into one or more separate proceedings, and allow all such proceedings to proceed separately;

(b) amend the proceeding or proceedings, as the case may be, by adding to the title thereof the true names of the claiming respondents;

(c) amend the proceedings from time to time in any just and equitable manner.

§ 1210. Judgment. If the court, after taking the testimony, shall determine either (a) that the rightful owner or owners of such funds or property are unknown or (b) that they have died without having disposed thereof, and without having left a will disposing thereof, and without having left heirs, next-of-kin or distributees, or (c) that they have abandoned such funds or property, it shall make and enter separate findings of fact and conclusions of law and enter a final order, describing the funds or property, and adjudicating that they have escheated and are payable to the state of New York. The findings of any one such set of facts shall not be deemed inconsistent with any other such set of facts, and the court may find one or more such sets of facts. If the court shall determine that any funds or property or part thereof had not escheated to the state, it shall make and enter separate findings of fact and conclusions of law and shall make and enter a final order describing said funds or property or part thereof, dismissing the petition with respect thereto either on the merits or without prejudice to a subsequent proceeding as may be proper.

§ 1211. Collection by attorney-general. The attorney-general shall take appropriate action, by obtaining an order of the court of the United States, or otherwise, to collect and receive such funds or property.

§ 1212. Payment to the state comptroller; report. 1. Upon the collection or receipt of any such funds or property the attorney-general shall forthwith pay or deliver the same to the state comptroller.

2. Each such payment or delivery shall be accompanied by a written report setting forth the names and last known addresses, if any, of the persons whose property has been escheated pursuant to this article and such other identifying information as the state comptroller may require.

ARTICLE XII-A

UNCLAIMED OR ABANDONED PROPERTY IN THE POSSESSION, CUSTODY OR CONTROL OF THE UNITED STATES OF AMERICA

§ 1213. Purpose and policy. It is the purpose of this article to extend the declared policy of the state with respect to unclaimed or abandoned property to all such property in the possession, custody or control of the United States of America, its officers, agencies, departments, instrumentalities and corporations. Article twelve of the abandoned property law provides for the escheat of such property paid into or deposited in courts of the United States. This article provides for the escheat of all unclaimed or abandoned property, of whatever kind or nature, in the possession, custody or control of all other federal authorities, bodies or corporations and shall be liberally construed to accomplish such purpose.

§ 1214. Definitions. When used in this article, the following terms shall have the following meanings:

(a) "Property" includes, but is not limited to, money, rights to claim refunds or rebates, postal savings deposits, bonds, notes, certificates, policies of insurance, other instruments of value, choses in action, obligations whether written or unwritten, and any thing of value of any nature whatsoever.

(b) "United States" means any officer, agency, department or instrumentality of the United States of America, other than a court, and any corporation organized under its laws.

§ 1215. Escheat. If the rightful owner of any property in the possession, custody or control of the United States either (a) shall have been or shall be unknown for seven consecutive years; or (b) shall have died or shall die without having disposed thereof and without having left or without leaving a will disposing thereof, and without leaving heirs, next-of-kin, or distributees; or (c) shall have abandoned or shall abandon such property, and either:

(i) the last known address of such rightful owner, as it appears from the records of the United States is in this state, or

(ii) there is no last known address for such rightful owner and the agency or instrumentality possessing, holding, controlling or owing such property is a corporation domiciled in this state; or

(iii) there is no last known address for such rightful owner, the agency or instrumentality possessing, holding, controlling or owing such property is not a corporation or is a corporation domiciled in a state other than New York which has no escheat or custodial statute relating to unclaimed or abandoned property and either

1. the records showing the name of and amount due the rightful owner are in this state; or

2. such property was paid to, deposited with or otherwise acquired by the United States in this state or as the result of transactions occurring in this state; or

3. such property is owed or came into being as the result of returns filed or other transactions occurring in this state; or

4. the court, in its discretion, finds that such property has or had sufficient other contacts with this state;
then such property, together with all interest or other increments accrued thereon, shall escheat to the state of New York.

§ 1216. Presumptions. If it shall appear from the records of the United States that the rightful owner of property described in section twelve hundred fifteen of this article has not made claim thereto for a period of seven consecutive years, it shall be presumed for purposes of escheat proceedings under this article that such rightful owner is, and during such period has been, unknown or has died without having disposed thereof and without having left a will, and without having left any heirs, next-of-kin or distributees or that such property has been abandoned and that such property has escheated. In any case wherein the rightful owner of such property is a corporation it shall also be presumed for purposes of escheat proceedings under this article that the corporation is dissolved, no longer in existence, and its charter forfeited and the presumptions set forth in the first sentence of this section shall be made with respect to the rightful owners or claimants to the assets of such corporation, including its stockholders and creditors. The presumptions provided for in this section may be rebutted by competent evidence to the contrary.

§ 1217. Procedure. Whenever it appears, after investigation by the comptroller or otherwise, that there exists or may exist escheated property under this article, the attorney general may take action to recover such property. For such purpose the attorney general may institute special proceedings in the name of the people of the state of New York in the supreme court of this state. In any such proceeding there shall be named as respondents

(a) All last known owners or claimants appearing in the records of the United States. These may be described as a class when

(i) they own or claim property of the same nature and the value of such property as shown on the account of each such owner or claimant in the records of the United States does not exceed five hundred dollars in value, or

(ii) the records of the United States show more than ten such owners or claimants for a particular fund, item or category of property, or

(iii) the records of the United States fail to disclose the number of owners or claimants for a particular fund, item or category of property with a reasonable degree of certainty.

(b) All unknown owners or claimants. These may be described as a class.

§ 1218. Notice. The notice shall contain the names of known respondents or their class description when that is permitted under section twelve hundred seventeen (a) of this article, the class description of unknown owners or claimants, the time and place of hearing, the identity of the officer, agency, department, instrumentality or corporation having possession, custody or control of the property, a description of the property involved and a summary of the relief requested.

§ 1219. Petition. The petition shall describe the property with respect to which the proceeding is instituted, the facts from which the court may find that the requirements of section twelve hundred fifteen of this article have been met and from which the presumptions set forth in section twelve hundred sixteen of this article may arise. It may include one or more items of property, as the attorney general may be advised, without prejudice to his right subsequently to commence proceedings relating to other items not included, provided, however, that when known owners or claimants are described as a class, the requirements of section twelve hundred seventeen (a) (i) of this article must be met.

§ 1220. Service. The notice shall be served

(a) by first class mail on all known respondents for whom there is a last known address; and

(b) by publication on unknown respondents and known respondents for whom there is no last known address in the manner provided in subdivision two of section twelve hundred six of this chapter; and

(c) by first class mail, together with a copy of the petition, on the clerk, registrar or other officer in charge of the agency, department, instrumentality or corporation having possession, custody or control of such property, together with a statement that no personal claim is made against him.

§ 1221. Judgment. If the court, after taking testimony shall determine the facts specified by section twelve hundred fifteen of this article, it shall make and enter findings and a final order as set forth in section twelve hundred ten of this chapter the provisions of which, in respect to findings and orders, shall apply to orders made in escheat proceedings under this article.

§ 1222. Application of other provisions of article twelve. The provisions of sections twelve hundred seven, twelve hundred eight, twelve hundred eleven and twelve hundred twelve of article twelve of this chapter shall apply to all escheat proceedings under this article.

§ 1223. Alternative to escheat. If it appears from the records of the United States that the rightful owner of any property subject to escheat under this article has not made claim thereto for seven years and the attorney general does not deem it advisable to institute an escheat proceeding with respect thereto, or has instituted such a proceeding but has not obtained a judgment of escheat therein, such unclaimed property may be deemed abandoned property and shall be paid or delivered to the state comptroller for disposition in accordance with the provisions of this chapter and the provisions of section ninety-five of the state finance law.

ARTICLE XIII

MISCELLANEOUS UNCLAIMED PROPERTY

§ 1300. Unclaimed surplus from sale of pledged property. 1. Any unclaimed moneys arising from the sale of any personal property which shall have been pledged or mortgaged as security for the loan of money with a corporation, except a banking organization or a licensed lender, heretofore or hereafter organized by or pursuant to a special statute for the purpose of, and principally engaged in, giving aid to individuals by loans of money at interest upon the pledge or mortgage of personal property, and which has subjected itself to special provisions of the banking law, after deducting the amount of the loan, the interest then due on the same and any other lawful charges, which shall have remained in its possession for three years from the date of such sale, shall be deemed abandoned property.

2. Any such abandoned property held or owing by a corporation to which the right to receive the same is established to the satisfaction of such corporation shall cease to be deemed abandoned.

3. On or before the first day of June in each year every such corporation shall report and pay over to the state comptroller all abandoned property specified in subdivision one, which is in its possession and which shall have become abandoned prior to the preceding first day of January.

§ 1301. Unclaimed surplus from sale of pledge.

1. The word, "pledgee", as used in this section shall mean any person, partnership or corporation

(a) loaning money on the deposit or pledge of personal property, or

(b) purchasing personal property on condition of selling back at a stipulated price, or

(c) doing business as warehouse men and loaning or advancing money upon goods, wares or merchandise pledged or deposited as collateral security.

2. Any surplus moneys resulting from a sale by a pledgee, other than a banking organization, after the thirtieth day of June, nineteen hundred fifty of personal property after deducting the amount loaned or advanced, interest due thereon and any other lawful charges, which surplus moneys have remained unpaid to the person entitled thereto for one year from the date of such sale, shall be deemed abandoned property.

3. Each year in the month of July and on or before the tenth day thereof every pledgee shall pay to the state comptroller all abandoned property specified in subdivision two of this section. Every such payment shall be accompanied by a verified written statement which shall contain the name and last known address of the pledgor, the date of the sale, the number of the pledge, if receipt given to the pledgor is so identified, and the amount of such surplus moneys.

§ 1304. Unclaimed personal property of persons in certain state institutions. 1. The following unclaimed property belonging or credited to a discharged, deceased or escaped person in an institution under the jurisdiction of the department of social services, the department of health, the department of mental hygiene, the executive department, or the department of corrections and community supervision shall be deemed abandoned property:

(a) Any moneys or intangible personal property which has been inventoried pursuant to section one hundred twenty-eight of the state finance law, and

(b) Any proceeds, less lawful deductions, from a sale of tangible personal property, other than money, pursuant to section one hundred twenty-eight of the state finance law.

2. Any such abandoned property shall be paid or delivered forthwith to the state comptroller. Such payment shall be accompanied by a written report, affirmed as true and accurate under penalty of perjury, setting forth such identifying information as the state comptroller may require.

3. The rights of any such discharged, deceased or escaped person in or to any unclaimed passbook, negotiable instrument or other evidence of indebtedness or ownership delivered to the state comptroller pursuant to this section shall pass to the state comptroller as custodian under this chapter.

§ 1305. Unclaimed surplus moneys after recovery of cost of public assistance and care.

Any amount comprising a balance credited to an estate or person pursuant to sections one hundred fifty-two-b or three hundred sixty of the social services law which, on June thirtieth in any year, has for four years from the date of such credit remained unclaimed by the estate or person entitled thereto shall be deemed abandoned property.

On or before the tenth day of September in each year every public welfare official shall pay such abandoned property to the state comptroller. Such payment shall be accompanied by a written report, affirmed as true and accurate under penalty of perjury, in such form as the state comptroller may prescribe.

§ 1306. Abandoned property resulting from the administration of the vehicle and traffic law. Any abandoned property resulting from the administration of the vehicle and traffic law in the hands of the commissioner of motor vehicles or the commissioner of taxation and finance on the first day of January in any year shall be paid to the state comptroller not later than the first day of July following. Such payment shall be accompanied by a written report setting forth such identifying information as the state comptroller may require.

§ 1307. Unclaimed proceeds from the sale of wrecked property. 1. Any proceeds, less lawful deductions, from a sale of wrecked property pursuant to section one hundred thirty-eight of the navigation law, shall be deemed abandoned property.

2. Any proceeds, less lawful deductions, from a sale of perishable wrecked property, pursuant to the provisions of section one hundred thirty-one of the navigation law, held or owing by a county treasurer, which shall have remained unclaimed by the person entitled thereto for one year from the date of such sale, shall be deemed abandoned property.

3. Any sheriff or county treasurer holding any such abandoned property, shall pay the same to the state comptroller immediately after such property shall have been deemed abandoned. Each such payment shall be accompanied by a written report, affirmed as true and accurate under penalty of perjury, which shall set forth such information as the state comptroller may require.

§ 1308. Unclaimed wages. 1. Any money received from or for the account of an employer and held or owing by the department of labor for the payment of compensation for services theretofore performed by employees or former employees of such employer, which shall have remained unclaimed by such employee for a period of one year after receipt thereof by such department, shall be deemed abandoned property.

2. On or before the first day of May in each year the industrial commissioner shall pay over to the state comptroller for credit to the abandoned property fund all such property which shall have become abandoned prior to the first day of the preceding month.

3. Such payment to the comptroller shall be accompanied by a statement setting forth:

(a) The name and last known address of each employee entitled to such abandoned property and the amount to which such employee is entitled.

(b) The name of the employer and his or its last known address.

(c) The period of employment during which such salary or wages accrued.

(d) Such other identifying information as the state comptroller may require.

§ 1309. Uncashed travelers checks and money orders. 1. Any amount held or owing by any organization other than a banking organization for the payment of a travelers check on which such organization is directly liable, sold by such organization on or after January first, nineteen hundred thirty, shall be deemed abandoned property if such amount is held or owing for payment of a travelers check which shall have been outstanding for more than fifteen years from the date of its sale and

(a) the last known address of the person entitled to such amount as shown on the books and records of such organization is located within this state, or

(b) such organization is incorporated in this state and such last known address is not shown on the books and records of such organization and the books and records of such organization do not disclose the place of sale of the travelers check, or

(c) such organization is incorporated in this state and such last known address or place of sale is located in a state the laws of which do not provide for the escheat or custodial taking of such amount, or

(d) such organization is incorporated in this state or in another state or foreign country and such last known address is not shown on the books and records of such organization and such books and records disclose that the place of sale of the travelers check was in this state.

Payment to the state comptroller pursuant to paragraph (b) of this subdivision shall be subject to the right of any other state, the laws of which provide for escheat or custodial taking of such amount, to recover such amount upon proof that the last known address of the person entitled thereto or place of sale of the travelers check was within that other state's borders.

Payment to the state comptroller pursuant to paragraph (c) of this subdivision shall be subject to the right of the state of last known address to recover such amount if and when the law of the state of such last known address makes provision for escheat or custodial taking of such amount.

2. Any amount held or owing by any such organization for the payment of a money order, or for the payment of any instrument drawn or issued to effect the payment therefor, sold by such organization on or after January first, nineteen hundred thirty shall be deemed abandoned property when such amount has remained unpaid to the person entitled thereto for five years and

(a) the last known address of such entitled person, according to the records of such organization is located within this state, or

(b) such organization is incorporated in this state and such last known address cannot be obtained from the records of such organization and the records of such organization do not disclose the place of sale of the money order or instrument, or

(c) such organization is incorporated in this state and such last known address is located in a state not having in effect a statute under which such amount is payable to such state as unclaimed, abandoned or escheated property, or

(d) such organization is incorporated in this state or another state or foreign country and such last known address is not shown on the records of such organization and such records disclosed that the place of sale of the money order or instrument was in this state.

Payment to the state comptroller pursuant to paragraph (b) of this subdivision shall be subject to the right of any other state, the laws of which provide for escheat or custodial taking of such amount, to recover such amount upon proof that the last known address of the person entitled thereto or place of sale of the money order or instrument was within that other state's borders.

Payment to the state comptroller pursuant to paragraph (c) of this subdivision shall be subject to the right of the state of last known address to recover such amount if and when the law of the state of such last known address makes provision for escheat or custodial taking of such amount.

3. On or before the first day of June in each year commencing with the year nineteen hundred forty-nine every such organization shall pay to the state comptroller all property deemed abandoned pursuant to this

section. Such payment shall be accompanied by a statement setting forth such information as the state comptroller may require.

4. Notwithstanding any other provision of law, the rights of a holder of a travelers check or money order to payment from any such organization shall be in no wise affected, impaired or enlarged by reason of the provisions of this section or by reason of the payment to the state comptroller of abandoned property hereunder, and any such organization which has paid to the state comptroller abandoned property held or owing for the payment of a travelers check or money order shall, upon making payment to the person appearing to its satisfaction to be entitled thereto and upon submitting to the state comptroller proof of such payment and the identifying number of the travelers check or money order so paid, be entitled to claim reimbursement from the state comptroller of the amount so paid, and after audit the state comptroller shall pay the same.

§ 1310. Voluntary disposition of miscellaneous property not otherwise subject to this chapter. 1. Any person or entity who holds any intangible personal property, including the proceeds of a sale of tangible property, which is not otherwise subject to the provisions of this chapter or any other law regarding the disposition of unclaimed property belonging to any other person, and which has remained unclaimed for a period of two years by the person or persons appearing to be entitled to receive such property, may request in writing, in such form and manner as the comptroller may by regulation prescribe, that the comptroller consent to receive payment or delivery of such property.

2. Within thirty days of the receipt of a request pursuant to subdivision one of this section, the comptroller shall send a written determination to the person or entity who filed such request which shall either: (i) consent to the request; (ii) consent to the request subject to such conditions as he deems necessary and appropriate; or (iii) deny the request. Any determination by the comptroller denying consent or placing conditions upon the consent shall specifically state the basis for such determination and such denial or conditional consent shall be

reviewable in a proceeding pursuant to article seventy-eight of the civil practice law and rules.

3. Any property reported and paid or delivered to the comptroller pursuant to this section shall be deemed abandoned property, and any person or entity paying or delivering such property shall be relieved and held harmless from any or all liability for any claim or claims which exist or may exist with respect to such property to the extent provided in section fourteen hundred four of this chapter.

4. Payment or delivery of property pursuant to this section shall be accompanied by reports in such form as the comptroller may prescribe.

§ 1311. Unclaimed moneys erroneously collected by utility corporations on account of taxes. 1. Any amount held or owing by a gas corporation, an electric corporation, a gas and electric corporation, a district steam corporation, a telegraph corporation, a telephone corporation, a telegraph and telephone corporation or a water works corporation which it has collected within eight years next preceding the effective date of this section, or which it shall hereafter collect, from a consumer or subscriber for or on account of any tax or assessment, or any part thereof, for which the consumer or subscriber was not legally liable, less lawful deductions, which shall have remained unclaimed by the person or persons entitled thereto for one year from the date it was so collected, shall be deemed abandoned property.

2. Any such abandoned property held or owing by such a corporation to which the right to receive a refund of the same is established to the satisfaction of such corporation shall cease to be deemed abandoned.

3. On or before the tenth day of October in each year, every such corporation shall pay to the state comptroller all property which, as of the first day of July next preceding, was deemed abandoned pursuant to this section, held or owing by such corporation. Such payment shall be accompanied by a true and accurate report containing such identifying information as the state comptroller may require.

§ 1312. Unclaimed amounts or securities held by foreign corporations not authorized to do business in the state of New York. 1. Any amounts or securities defined as abandoned property by articles three, four, five, five-a, seven and sections thirteen hundred one, thirteen hundred thirteen, thirteen hundred fifteen and thirteen hundred sixteen of this chapter, unclaimed for the periods of time prescribed in such articles and sections and held by any corporation, banking organization, insurance company, broker or dealer, utility, joint stock association, individual engaged in the conduct of business, association of two or more individuals, committee, business trust or any other entity, whether profit or non-for-profit, chartered or organized in another state or under the laws of another state and not authorized to do business in the state of New York, which are payable to or receivable by persons whose last known addresses on the records of such corporations or enumerated organizations are located within the state of New York shall be deemed abandoned property.

2. Any such abandoned property held or owing by such a corporations or organizations to which the right to receive a refund of the same is established to the satisfaction of such corporations or organizations shall cease to be deemed abandoned.

3. Such abandoned property shall be paid or delivered to the state comptroller on the same dates and in the same manner as presently prescribed for such property by this chapter, except that publication otherwise required by this chapter shall not be applicable to property deemed abandoned by virtue of this section.

§ 1313. Unclaimed property held by sales finance companies and insurance premium finance agencies. 1. When used in this section the following terms shall have the following meanings:

(a) "Company" shall mean a sales finance company as defined in subdivision seven of section four hundred ninety-one of the banking law, but shall not mean a banking institution as defined in section one hundred three of this chapter.

(b) "Agency" shall mean an insurance premium finance agency as defined in subdivision seven of section five hundred fifty-four of the banking law, but shall not mean a banking institution as defined in section one hundred three of this chapter.

(c) "Amount" shall mean any amount held or owing by a company or agency which is payable to any person or other entity as a refund or rebate pursuant to the provisions of articles eleven-b or twelve-b of the banking law.

2. Any amount held or owing by a company or agency shall be deemed abandoned property when:

(a) such amount is payable to a person or other entity and,

(b) such amount, on the thirtieth day of June in any year has remained unpaid to such person or other entity for three years.

3. In the succeeding month of October in each year, and on or before the tenth day thereof, each company or agency holding amounts deemed abandoned pursuant to this section shall pay the same to the state comptroller, excepting such amounts as since the preceding thirtieth day of June have ceased to be abandoned.

4. Such payment shall be accompanied by a statement setting forth such information as the state comptroller may require relative to such amounts.

§ 1314. Unclaimed consumer credit balances. 1. Any amounts transferable to the New York state department of audit and control pursuant to section seven hundred fifteen of the general business law, to be held pursuant to the provisions of the abandoned property law, shall be transferred to the state comptroller during the first fifteen days of the month of February immediately succeeding the thirty-first day of December in the year in which the three year period of retention prescribed in said section is concluded.

2. Such transfer of moneys shall be accompanied by a written report,

affirmed as true and accurate under penalty of perjury, in such form as the state comptroller may prescribe.

§ 1315. Miscellaneous unclaimed property. This section shall encompass the following miscellaneous unclaimed property not otherwise covered by any other section of law. Such property shall be paid or delivered to the state comptroller at such times and shall be accompanied by reports in such form as the state comptroller may prescribe. 1. Any unclaimed amount representing unredeemed gift certificates sold after December thirty-first, nineteen hundred eighty-three, including gift certificates for merchandise only in which case the face value of such certificate shall be deemed the amount deemed abandoned, and owing in this state, or held by any corporation (other than a public corporation), joint stock company, individual, association of two or more individuals, committee or business trust in this state, and which has remained unclaimed by the owner of such amount for five years, shall be deemed abandoned property.

1-a. Any amount representing outstanding checks issued on and after July first, nineteen hundred seventy-four in payment for goods or for services, and owing in this state, or held by any corporation (other than a public corporation), joint stock company, individual, association of two or more individuals, committee or business trust in this state, and which has remained unclaimed by the owner of such amount for three years, shall be deemed abandoned property.

1-b. Any unclaimed amount for services not rendered or for goods not delivered, which amount was received after July first, nineteen hundred seventy-four, or in the case of a public utility company as that term is defined in subdivision twenty-three of section two of the public service law, on or after July first, nineteen hundred eighty which has remained unclaimed by the owner of such amount for three years, shall be deemed abandoned property.

2. Except as otherwise provided by law, any amount representing unclaimed money or securities and held in escrow or otherwise by any corporation (other than a public corporation), joint stock company,

individual, association of two or more individuals, committee or business trust, to ensure the performance of any duty or obligation, shall be deemed abandoned property when:

a. such amount is held or owing in this state, and

b. such amount has remained unclaimed by the person or persons entitled thereto for three years, except

c. where the duty or obligation for which such amount was deposited has not been performed and such performance is still required, such amounts shall not be deemed abandoned property.

3. Any amount representing an unpaid lottery prize determined by the division of the lottery pursuant to section sixteen hundred fourteen of the tax law to have been abandoned shall be deemed abandoned property and shall be paid to the state comptroller.

4. Any amount representing an unpaid check or draft issued by the state of New York which shall have remained unpaid after one year from the date of issuance or a debit card issued on behalf of the state of New York for the purpose of paying a tax refund which shall not have been activated for one year from the date of issuance in accordance with section one hundred two of the state finance law shall be deemed abandoned property and shall be paid to the state comptroller.

§ 1316. Unclaimed insurance proceeds other than life insurance. 1. Any amount issued and payable on or after July first, nineteen hundred seventy-four payable to a resident of this state on or because of a policy of insurance other than life insurance, which is held or owing by a domestic insurer or a foreign insurer authorized to do business in this state or by an agent or agency of such insurer, shall be deemed abandoned property if unclaimed for three years by the person entitled thereto. Where such amount is held or owing by a domestic insurer for an unknown person or a person whose address is unknown, such amount is presumed to be payable to a resident of this state.

2. Every insurer shall cause to be published, on or before the first day of May in each year, a list of such abandoned property in the same manner as that prescribed for life insurance companies by section seven hundred two of this chapter.

3. Such property which was deemed abandoned pursuant to subdivision one of this section shall be paid or delivered to the comptroller within the first ten days of September of each year. Such payment shall be accompanied by a true and accurate report that shall be in such form and manner as the state comptroller may prescribe.

§ 1317. Unclaimed security deposits held by the title insurance companies. 1. Any amount held or owing by a domestic or foreign title insurer or by an agent or representative of such insurer as a security deposit, relating to the transfer or financing of real property located in this state, made as an inducement to issue a title insurance policy shall be deemed abandoned property if unclaimed as of December thirty-first in any year for three years from the date of deposit, unless there has been written communication from the depositor or other person entitled thereto to the insurer to its agent or representative within said three-year period.

2. Any such property deemed abandoned as of the preceding December thirty-first shall be paid and delivered to the comptroller within the first ten days of March in each year, together with a report of said property, including a listing of depositors and lienholders, in such form as the comptroller may prescribe.

3. The title insurer or its agent or representative shall retain records of the names and addresses of the depositors and lienholders, and any records necessary to show proof of entitlement of such deposits.

4. Notwithstanding any other provision of law to the contrary, the rights of a depositor to payment from a title insurer or its agent or representative pursuant to a security deposit agreement and the

obligations of such insurer its agent or representative to fulfill the requirements specified in any such agreement shall in no way be affected, impaired or enlarged by reason of the provisions of this section or by reason of the payment or delivery to the comptroller of abandoned property hereunder. Claim for reimbursement may be filed with the comptroller by any title insurer or its agent or representative who may be required to pay or deliver any abandoned property to the comptroller pursuant to this section.

5. The comptroller may require proof that the title insurer has made payment on the underlying claim under the terms of the security deposit agreement and is entitled to reimbursement therefor and after audit the comptroller shall pay the same.

6. The comptroller shall not be liable for any action by the comptroller made in good faith or based upon representations made by a title insurer pursuant to this section.

§ 1318. Unclaimed spousal and child support. Any amount representing child support or child and spousal support paid to a support collection unit established by a social services district which has been delivered to the state comptroller pursuant to subdivision seven of section one hundred eleven-h of the social services law shall be deemed abandoned property. On or before the tenth day of April in each year, such abandoned property shall be paid to the state comptroller. Such payment shall be accompanied by a verified written report in such form as the state comptroller may prescribe.

§ 1319. Unclaimed virtual currency. 1. Any virtual currency held or owing by any banking organization, corporation or other entity engaged in virtual currency business activity which shall have remained unclaimed by the person entitled thereto for a period of five years shall be deemed abandoned property if:

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

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

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

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

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

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

ARTICLE XIV
GENERAL PROVISIONS

§ 1400. Statutes of limitations not a bar. The expiration of any period of time specified by law, during which an action or proceeding may be commenced or enforced to secure payment of a claim for money or recovery of property, shall not prevent any such money or property from being deemed abandoned property, nor affect any duty to file a report required by this chapter or to pay or deliver to the state comptroller any such abandoned property; and shall not serve as a defense in any action or proceeding by or on behalf of the state comptroller to compel the filing of any report or the payment or delivery of any abandoned property required by this chapter or to enforce or collect any penalty provided by this chapter.

§ 1401. Comptroller to maintain public record. The state comptroller shall maintain a public record of all names and last known addresses of the person or persons appearing to be entitled to abandoned property, heretofore paid to the state or hereafter paid or delivered to the state comptroller pursuant to this chapter. In addition, the state comptroller shall maintain a searchable database on the state comptroller's website in such form and manner as the state comptroller deems reasonable and appropriate, subject to the requirements set forth in section fourteen hundred two of this article. The state comptroller shall place a disclaimer prominently on his or her website advising that this searchable database does not contain complete information with respect to abandoned property paid to the state or paid or delivered to the state comptroller, and provide contact information prominently on the website to enable interested parties to inquire whether they appear on an abandoned property listing. Other identifying information set forth in any report or record made or delivered to the state comptroller shall be retained by him but shall be considered confidential and may be disclosed only in the discretion of the state comptroller. The state comptroller shall not reveal the amount of any abandoned property, except to a person who has presented satisfactory proof of an interest in or title to such property.

§ 1402. Publication of abandoned property by state comptroller. 1. (a) Notwithstanding anything to the contrary set forth in section fourteen hundred one of this article, the comptroller shall maintain on his or her website in a readily searchable format, a list of such abandoned property as has been paid or delivered to the comptroller that has a value of over twenty dollars, for a period of twelve months prior to April first, two thousand eleven, and any such abandoned property as has been paid or delivered to the comptroller thereafter that has a value of over twenty dollars, provided that when sixty or more months has passed after such property has been paid or delivered to the comptroller, the comptroller shall not be required to post such property on his or her website if he or she does not deem it reasonable and appropriate to do so.

(b) The provisions of this subdivision shall not apply to abandoned property paid pursuant to section one thousand three hundred of this chapter or section four hundred twenty-four of the vehicle and traffic law.

2. Such list shall be in such form and classified in such manner as the state comptroller shall determine and shall include:

(a) the names and last known addresses of all persons appearing from the records in the comptroller's office, as set forth in the report filed by the holder, to be entitled to receive such abandoned property exceeding twenty dollars in value; and

(b) such other information as the state comptroller may determine.

3. Such listing shall include a statement that: (a) information about the property and its return to the owner may be available to a person having a legal or beneficial interest in the property, upon request to the comptroller; and

(b) a public record is maintained in the office of the state comptroller of all abandoned property in accordance with section fourteen hundred one of this article; and that a claim for any such abandoned property should be filed with the state comptroller at his or her office in the city of Albany.

4. Notwithstanding the foregoing provisions of this section, the state comptroller may omit from such list the name and last known address of any person where special circumstances make it desirable that such information be withheld.

§ 1403. Sale of personal property by state comptroller. 1. Except as provided in subdivision one-a of this section, all abandoned property, other than money, heretofore paid to the state shall, prior to October first, nineteen hundred forty-five, be sold by the state comptroller, and all abandoned property, other than money and securities, delivered to the state comptroller pursuant to this chapter, shall within fifteen months after such delivery be sold by him, at public auction to the highest bidder, except such property as in his opinion is valueless or of such little value that the cost of sale would exceed the probable proceeds therefrom. Securities shall be sold by the state comptroller on any established stock exchange or by such other means as the comptroller shall deem advisable within fifteen months after their delivery to him pursuant to this chapter.

1-a. Where securities are delivered to the state comptroller pursuant to this chapter on or after November first, nineteen hundred ninety-one, or pursuant to any report of abandoned property which is required to be made on or after November first, nineteen hundred ninety-one, the comptroller shall sell such securities on any established stock exchange or by such other means as the comptroller shall deem advisable as soon as he may in his discretion deem practicable after their delivery to him.

2. Except as provided in subdivision two-a of this section, the proceeds from the sale of any such abandoned property, less all costs incurred in connection with such sale, shall be deposited by the state comptroller in the abandoned property fund and any claimant for abandoned property shall be entitled only to the money so received and deposited.

2-a. Any rightful owner of securities which are delivered to the comptroller on or after November first, nineteen hundred ninety-one or pursuant to any report of abandoned property which is required to be made on or after November first, nineteen hundred ninety-one shall be entitled to claim and receive from the comptroller, in accordance with procedures established by him, such securities and accumulated amounts or distributions thereon, including amounts or distributions accumulated after such securities have been delivered to the comptroller, to the same extent such owner would have been entitled to receive such securities and amounts or distributions if such securities and amounts or distributions had not been deemed abandoned pursuant to the provisions of this chapter. This subdivision may, in the comptroller's sole discretion, also apply to any rightful owner of securities which have been delivered to the comptroller prior to November first, nineteen hundred ninety-one where such securities are delivered pursuant to a report of abandoned property required prior to November first, nineteen hundred ninety-one but which have remained unsold by him as of such date. In the event a claim is made and approved subsequent to the sale of the securities, the comptroller shall pay the rightful owner the cash equivalent of such securities as of the date of approval of any such claim.

3. The state comptroller shall not be liable in any action for any act of his made in good faith pursuant to this section.

4. Where any security delivered to the state comptroller pursuant to this chapter or any act relating to the disposition of abandoned property is delivered by him to the issuing corporation, the security shall be transferred to him on the books of the corporation and a certificate registered in the name of the state comptroller shall be delivered to him or, if so requested by the comptroller, such corporation shall register such securities in book entry form in the name of the comptroller. The corporation and its transfer agent, registrar or other person acting for or on behalf of the corporation in executing or delivering such certificate or registering such securities shall be relieved from liability to any person for any losses or damages resulting from the issuance and delivery to the state comptroller of such certificate or registration of such securities.

§ 1404. Assumption of liability by the state; return of property erroneously paid to state comptroller. 1. The care and custody, subject only to the duty of conversion prescribed in section fourteen hundred two of this chapter, of all abandoned property heretofore paid to the state, except

(i) abandoned property in individual amounts of less than one dollar so paid pursuant to chapter one hundred seven of the laws of nineteen hundred forty-two; and of all abandoned property paid to the state comptroller pursuant to this chapter;

(ii) abandoned property so paid pursuant to chapter seven hundred twenty-seven of the laws of nineteen hundred twenty-six, or as such chapter was amended by chapter five hundred sixty-nine of the laws of nineteen hundred twenty-seven, and section sixty of chapter fifty-four of the laws of nineteen hundred twenty-nine, prior to June first, nineteen hundred forty-one; is hereby assumed for the benefit of those entitled to receive the same, and the state shall hold itself responsible for the payment of all claims established thereto pursuant to law, less any lawful deductions, which cannot be paid from the abandoned property fund.

2. Any person, copartnership, unincorporated association or corporation making a payment of or delivering abandoned property to the comptroller shall immediately and thereafter be relieved and held harmless from any or all liability for any claim or claims which exist at such time with reference to such abandoned property or which may thereafter be made or may come into existence on account of or in respect of any such abandoned property.

3. No action shall be maintained against any person, copartnership, unincorporated association or corporation, or any officer thereof, for

(a) the recovery of abandoned property paid or delivered to the state comptroller pursuant to this chapter or for interest thereon subsequent to the date of the report of such abandoned property to the state comptroller pursuant to this chapter;

(b) the recovery of abandoned property heretofore paid or delivered to the state or for interest thereon subsequent to the date of such payment or delivery; or

(c) damages alleged to have resulted from any such payment or delivery.

4. Whenever it appears to the satisfaction of the state comptroller that because of some mistake of fact, error in calculation or erroneous interpretation of a statute, any person has paid or delivered to the state comptroller, pursuant to any provision of this chapter, any moneys or other property not required by the provisions of this chapter to be so paid or delivered, he shall have power, during the six years immediately succeeding such erroneous payment or delivery, to refund or redeliver such moneys or other property to such person; provided that such moneys or property shall not have been paid or delivered to a claimant or otherwise disposed of in accordance with the provisions of this article. Moneys or other property deposited with a county treasurer or the commissioner of finance of the city of New York for the benefit of an infant pursuant to court order, which are or have been erroneously

paid or delivered to the state comptroller, may be refunded by the state comptroller at any time. Any such refund hereunder shall be paid from the abandoned property fund without the deduction of any service charge.

5. Whenever, because of some mistake of fact, error in calculation or erroneous interpretation of a statute, any person pays or delivers to the state comptroller any moneys or other property not required by the provisions of this chapter to be so paid or delivered, such moneys or other property shall, for the purposes of this article, be deemed to be abandoned property, unless and until refunded or redelivered by the state comptroller to the person who paid or delivered the same to him.

§ 1405. Accrual of interest after payment of abandoned property to the state comptroller. 1. (a) Notwithstanding any other provision of law, no owner of abandoned property shall be entitled to receive interest on account of such abandoned property from and after the date a payment of such abandoned property is hereafter made to the state comptroller pursuant to this chapter or any law relating to abandoned property, whether or not he was entitled to interest on such property prior to such date, except that interest at the overpayment rate set by the commissioner of taxation and finance pursuant to subsection (j) of section six hundred ninety-seven of the tax law, less one percentage point, shall accrue to abandoned property hereafter paid to the state comptroller under the following provisions of this chapter, for the first five years such property is held by him:

(i) paragraph (a) of subdivision one of section three hundred of this chapter; or

(ii) subdivision one of section four hundred of this chapter; or

(iii) paragraph (a) of subdivision one of section six hundred of this chapter; or

(iv) subdivision one of section ten hundred of this chapter.

(b) No claimant to abandoned property heretofore paid to the state comptroller shall be entitled to receive interest on account of such property, whether or not he was entitled to interest on such property prior to such payment, except that as to abandoned property paid to the state comptroller pursuant to the provisions of sub-paragraphs (i), (ii), (iii) and (iv) of subdivision one of this section no earlier than five years preceding the first day of July, nineteen hundred seventy-seven, such abandoned property shall accrue simple interest for that portion of such five year period remaining after the thirtieth day of June, nineteen hundred seventy-seven.

2. (a) Notwithstanding subdivision one of this section, any property heretofore or hereafter received by the state comptroller pursuant to this chapter or any law relating to the disposition of abandoned property, which is subject to the interest crediting provisions of part five hundred of foreign assets control regulations, part five hundred fifteen of Cuban assets control regulations or part five hundred twenty of foreign funds control regulations of the United States department of the treasury, shall be credited with interest at a rate not less than the maximum rate payable on the shortest time deposit available in any domestic bank in this state.

(b) Interest shall be credited from the effective date of this subdivision, to abandoned property subject to paragraph (a) of this subdivision for so long as such property continues to be subject to part five hundred of foreign assets control regulations, part five hundred fifteen of Cuban assets control regulations or part five hundred twenty of foreign funds control regulations of the United States department of the treasury and is held by the state comptroller.

§ 1406. Claims for abandoned property heretofore or hereafter paid to the state. 1. (a) Claim may be filed with the state comptroller for any abandoned property amounting to over three dollars heretofore paid to the state or hereafter paid or delivered to the state comptroller pursuant to this chapter, except abandoned property heretofore paid to the state pursuant to

(i) section nine of chapter six hundred fifty-one of the laws of eighteen hundred ninety-two, section forty-four of chapter fifty-eight of the laws of nineteen hundred nine or as such section was amended by chapter two hundred seventeen of the laws of nineteen hundred thirty-three and chapter two hundred thirty-one of the laws of nineteen hundred thirty-eight, and section eighty-four of chapter five hundred ninety-three of the laws of nineteen hundred forty;

(ii) section two hundred seventy-two of the surrogate's court act;

(iii) chapter eight hundred fifteen of the laws of nineteen hundred forty-one as amended by chapter seven hundred eighty-eight of the laws of nineteen hundred forty-two;

(iv) chapter one hundred seven of the laws of nineteen hundred forty-two, if such abandoned property was less than one dollar in amount;

(v) chapter seven hundred twenty-seven of the laws of nineteen hundred twenty-six, or as such chapter was amended by chapter four hundred fifty-six of the laws of nineteen hundred twenty-seven and section sixty of chapter fifty-four of the laws of nineteen hundred twenty-nine, if so paid prior to June first, nineteen hundred forty-one;

(vi) and abandoned property hereafter paid to the state comptroller pursuant to subdivisions (a) or (b) of section six hundred one or section twelve hundred twelve of this chapter.

(b) The comptroller shall possess full and complete authority to determine all such claims and shall forthwith send written notice of such determination to the claimant. At any time within four months thereafter, such claimant may apply for a hearing and a redetermination of his claim. After an appropriate hearing on notice, before the comptroller or person duly designated by him, the comptroller shall make and serve his final determination, which alone shall be reviewable by application to the supreme court, Albany county, within four months following the notice of such final determination, upon not less than ten days' notice to the comptroller.

(c) The comptroller, or any person duly designated by him, is empowered to take testimony and proofs, under oath, upon such hearing, and shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents pertinent to such hearings.

(d) Whenever it shall be necessary for the state comptroller to determine the validity of a claim for abandoned property heretofore paid to the state pursuant to section five of the banking law or hereafter paid to the state pursuant to section thirteen hundred of this chapter, he shall forthwith notify the corporation which paid such abandoned property to the state of such claim. Within thirty days after such notification such corporation shall send a verified written report to the state comptroller, containing such information as the state comptroller may require from its books or records. The state comptroller shall determine from such report the validity of such claim.

2. (a) Claim in the amount or value of ten thousand dollars or more for any abandoned property heretofore paid to the state pursuant to section forty-four of chapter fifty-eight of the laws of nineteen hundred nine or as such section was amended by chapter two hundred seventeen of the laws of nineteen hundred thirty-three and chapter two hundred thirty-one of the laws of nineteen hundred thirty-eight, or hereafter paid to the state comptroller pursuant to paragraph (a) of subdivision one of section six hundred of this chapter, may be established only on order of the court which had original jurisdiction of the underlying matter, after service of notice upon the state comptroller and upon due notice to all parties to the action or proceeding which resulted in the monies being paid into court. Such court withdrawal action shall be commenced in the court which had original jurisdiction of the underlying matter using the court index number of such original action. Notwithstanding any other provision of law to the contrary, no such withdrawal action shall be brought as a special proceeding against the state comptroller. Notwithstanding any other provision of law to the contrary, if an order directing payment by the state comptroller is made by the court, the claimant or the claimant's attorney shall serve upon the state comptroller a copy thereof, duly certified by the clerk of the court to be a true copy of the original of such order on file in the clerk's office.

(b) Where the value or amount of the claim is less than ten thousand dollars, payment may be made by the state comptroller on sworn application of the claimant when the identity of the claimant as the person entitled to payment is established to the satisfaction of the state comptroller. When, in the determination of the state comptroller, there is insufficient information to enable the state comptroller to make a determination of entitlement, any claim, including a claim the amount of which is less than ten thousand dollars, must be established on order of the court as set forth in paragraph (a) of this subdivision. The decision of the state comptroller that the information is insufficient shall not be deemed a denial of the claim.

3. Claim for any abandoned property heretofore paid to the state pursuant to section two thousand two hundred twenty-two of the surrogate's court procedure act or hereafter paid to the state comptroller pursuant to paragraph (b) of subdivision one of section six hundred of this chapter may be established only in accordance with section two thousand two hundred twenty-two of the surrogate's court procedure act. Any other provision of law to the contrary notwithstanding, if an order directing payment by the state comptroller is made by the court, the claimant or the claimant's attorney shall serve upon the state comptroller a copy thereof, duly certified by the clerk of the court to be a true copy of the original of such order on file in the clerk's office.

4. (a) Claim for any abandoned property heretofore paid to the state pursuant to chapter eight hundred fifteen of the laws of nineteen hundred forty-one as amended by chapter seven hundred eighty-eight of the laws of nineteen hundred forty-two, or hereafter paid to the state comptroller pursuant to section twelve hundred twelve of this chapter, may be established only in accordance with this subdivision.

(b) Such claim may be established only by a person, copartnership, unincorporated association or corporation who shall have had no actual knowledge of the escheat proceeding and who shall commence a proceeding in the supreme court within five years after the entry of the final order of escheat, except that this limitation of time shall be extended pursuant to the provisions of limitations of time for commencing actions of the civil practice law and rules.

(c) Such proceeding shall be commenced by a verified petition and notice of motion, which shall be served upon the comptroller, who shall have twenty days within which to answer. The petition shall set forth the true name, residence and business address, if any, of the claimant and shall also set forth in full detail the basis of the claim and the claimant's chain of title thereto.

(d) In such proceeding the presumptions set forth in section twelve hundred one of this chapter shall apply.

(e) If the court, after hearing the testimony, shall find that such claimant, or his predecessor in interest, would have been entitled to any part of the escheated fund in the escheat proceeding, it shall enter a final order directing the comptroller to pay to him from the abandoned property fund an amount equal to that part of such escheated fund to which he would have been so entitled, provided such amount shall have been collected and received by the comptroller, without interest and costs.

5. (a) Payment made by the comptroller upon presentation of satisfactory proof of entitlement, on a claim made by either of two depositors for the proceeds of a joint deposit or share account originally established pursuant to section six hundred seventy-five of the banking law, shall be a valid and sufficient release and discharge to the comptroller for such payment made on account of such deposit or share prior to the receipt by the comptroller of notice in writing signed by any one of such depositors, not to pay such deposit or shares and any additions or accruals thereon. After receipt of such notice, the comptroller may require the receipt or acquittance of both such depositors or shareholders for any payment.

(b) Payment by the comptroller on a claim for the proceeds of a deposit account, including any additions or accruals thereon, originally established pursuant to section 7-5.2 of the estates, powers and trusts law or former subdivision two of section one hundred thirty-four of the banking law, may be made to the beneficiary of such deposit account upon presentation of satisfactory proof of entitlement. The receipt or acquittance of such beneficiary shall be a valid and sufficient release and discharge to the comptroller for the deposit account, or any part thereof, for such payment prior to the receipt by the comptroller of notice in writing that there exists a testamentary disposition sufficient to dispose of such deposit account pursuant to said section 7-5.2 of the estates, powers and trusts law.

6. (a) Notwithstanding any other provision of law, claim for any abandoned condemnation award heretofore or hereafter paid to the state comptroller pursuant to sections ten hundred and ten hundred three of this chapter for the benefit of unknown persons, or for the benefit of known owners if claim is made by the holder of an equitable lien, may be

established only on order of the court which made the award after service of notice upon the state comptroller. Any other provision of law to the contrary notwithstanding, if an order directing payment by the state comptroller is made by the court, the claimant or the claimant's attorney shall serve upon the state comptroller a copy thereof, duly certified by the clerk of the court to be a true copy of the original of such order on file in the clerk's office.

(b) Notwithstanding any other provision of law, payment for any abandoned condemnation award heretofore or hereafter paid to the state comptroller pursuant to sections ten hundred and ten hundred three of this chapter for the benefit of known persons may be made by the state comptroller on sworn application, where the name and last known address of the person or persons entitled to payment and any other identifying information as appearing on the records of the court into which payment was made is included in the report required to be filed pursuant to section ten hundred three of this chapter and when the identity of the claimant as the person entitled to payment is established to the satisfaction of the state comptroller. When, in the determination of the state comptroller, the identifying information included in the report is insufficient to enable the state comptroller to make a determination of entitlement, such claim must be established only on order of the court as set forth in paragraph (a) of this subdivision.

§ 1407. Payment by comptroller. 1. Any claim which is allowed by the comptroller or ordered to be paid by the comptroller by a court of competent jurisdiction pursuant to the provisions of section fourteen hundred six of this article, together with such costs and disbursements as may be allowed by the court, shall be paid, together with any interest accrued on such claim pursuant to section fourteen hundred five of this article, out of the abandoned property fund, except for any claim relating to a security pursuant to subdivision two-a of section fourteen hundred three of this article, which shall be paid in accordance with procedures established by the comptroller, and the comptroller shall not be liable in any action for any claim including interest if any, paid by the comptroller in good faith.

2. If during any session of the legislature there are insufficient moneys in the abandoned property fund to pay all claims, including any interest accrued thereon, which have been allowed by the state comptroller or ordered to be paid by the state comptroller by a court of competent jurisdiction, the state comptroller shall so certify to the legislature, which shall appropriate from the general fund to the abandoned property fund an amount sufficient to pay such claims.

3. The state comptroller is hereby authorized to establish an abandoned property expedited payment program. Under such program, the comptroller may:

(a) notwithstanding whether a claim is filed pursuant to this chapter, return any property paid or delivered to the state comptroller under this chapter, or proceeds from the sale thereof, to an apparent owner after verification, in a manner and form prescribed by the comptroller, that the apparent owner is the rightful owner of the property; and

(b) promulgate rules and regulations necessary to administer the program, including establishing the threshold value of property to be paid or delivered under the program, provided however:

(i) for the calendar year beginning January first, two thousand twenty-five, the value of property may not be more than two hundred fifty dollars; and

(ii) for the calendar year beginning January first, two thousand twenty-six and thereafter, the value of property to be paid or delivered under the program shall be determined by the comptroller.

§ 1409. Payment for publication. Any amount paid by a person to a newspaper or newspapers for any publication of names as required by this chapter shall be charged pro rata against all abandoned property held or owing by such person at the time of such publication, except abandoned property of individual amounts of less than fifty dollars.

§ 1410. Designation of newspapers. Any notice required by this chapter shall be published in such newspapers as shall be designated by the state comptroller, except that in no case shall a notice be published in a newspaper other than one specified in the section requiring such publication.

§ 1411. Waiver of publication. The state comptroller may waive the publication of any notice required by this chapter, except a notice required by section fourteen hundred two, whenever in his opinion the cost of publishing such notice would be unreasonable in relation to the amount of abandoned property.

§ 1412. Penalty, interest and special proceedings

1. Any person wilfully failing to make any full and complete report or to file any affidavit required by this chapter shall forfeit to the people of the state the sum of one hundred dollars for each day such report or affidavit shall be wilfully delayed or withheld, except that the state comptroller may extend the time for making any such report or filing any such affidavit and may waive the payment of any penalty or part thereof provided for by this subdivision.

2. In addition to the penalty prescribed in subdivision one of this section for failure to report, any person failing to pay any sum or to deliver any property required to be paid or delivered to the state comptroller by this chapter or any law relating to abandoned property shall pay to the people of the state interest on the amount or value of such property. Such interest shall be at the rate of ten per centum per annum computed for a period to commence upon the date such payment or delivery was required by this chapter and to terminate upon the date of full compliance therewith, except that the state comptroller may waive the payment of all or part of such interest whenever in his opinion the circumstances warrant such waiver.

3. Upon the failure of any person to fully and completely report and pay or deliver abandoned property to the comptroller pursuant to this chapter or any other law relating to abandoned property, the comptroller shall issue a determination of the amount due and owing him as custodian

of the abandoned property fund. Such determination shall be served by certified mail upon the person failing to report and pay or deliver and shall be presumptive evidence of the amount stated therein as due and owing the comptroller. Such presumption shall apply to that portion of the stated amount which is alleged to have become payable or deliverable as abandoned property no longer than five years following the thirty-first day of December of the year in which such report was required to be filed. If a full and complete report and payment or delivery is not made by such person within thirty days following the receipt of the determination, the comptroller shall convene a hearing, upon reasonable notice, in order to certify the amount due as abandoned property. The notice of hearing shall be served by certified mail upon the person having failed to report and pay or deliver.

4. Where the comptroller, or a person designated by him, after a hearing certifies the amount due as abandoned property under the provisions of this chapter or any law relating to abandoned property, any aggrieved person may institute a special proceeding within ninety days after notice of said certification under article seventy-eight of the civil practice law and rules for the purpose of reviewing said certification. In addition to the foregoing provisions of this section, the comptroller may institute a special proceeding in the supreme court, for a judgment directing payment to him of any sum certified to be payable as abandoned property under this chapter together with interest as provided in subdivision two of this section and in such proceeding by the comptroller the certification by him shall be conclusive proof thereof.

§ 1412-a. Retention of books and records. 1. Except as provided in section five hundred thirteen-a of this chapter, every person, co-partnership, unincorporated association or corporation required to file a report of abandoned property pursuant to this chapter, shall retain for a period of five years following the thirty-first day of December of the year for which such report has been filed, all books, records and documents necessary to establish the accuracy and completeness of such report. The books, records and documents to be retained pursuant to this section shall include but not be limited to general and subsidiary ledgers; journal entry records; cash receipts and disbursements journals; cancelled checks; bank reconciliations; trial balances; financial statements and supporting data; claim and confirmation letters; charts of accounts; independent auditor reports; and copies of abandoned property reports. Such books, records and documents so retained shall be made available to the state comptroller upon his request in the performance of his duties under this chapter.

2. Every report of abandoned property filed pursuant to this chapter for which supporting books, records and documents are required to be retained for five years as provided in subdivision one above, shall be presumed to be accurate following such five year period unless prior thereto the comptroller has made a certification or commenced a proceeding pursuant to subdivision three of section fourteen hundred twelve of this chapter.

3. Property subject to this chapter which is payable or deliverable to a payee or owner and which has remained unpaid or undelivered because such payee or owner is unknown, cannot be located due to the lack of a valid, present address on the records of the payor or holder, or for other reasons, shall be recorded by year of receipt on a separate account identifying the nature and origin of such property, maintained in the books and records of the payor or holder. Any transfer of such property from such separate account during the applicable periods of inactivity specified in this chapter to precede abandonment, shall be supported by adequate information in the books, records and documents set forth in subdivision one of this section or in section five hundred thirteen-a of this chapter, sufficient to establish the accuracy and propriety of the transfer. Property which remains in such separate accounts at the expiration of any such period of inactivity shall be included in abandoned property reports filed with the state comptroller pursuant to this chapter.

§ 1413. Penalty for fraudulent returns. The making of a willful false oath in any report required under the provisions of this chapter shall be perjury and punishable as such according to law.

§ 1414. Comptroller to make regulations. The state comptroller is hereby authorized to make such rules and regulations as he may deem necessary to enforce the provisions of this chapter.

§ 1415. Deduction of certain charges. No deduction shall be made for service, handling or maintenance charges from property subject to the abandoned property law, by the holder of such property, unless such deduction is made pursuant to:

(a) the laws of the state of New York including therein the regulations of the New York state department of financial services; or

(b) a valid contract which provides, specifically, that the deduction shall not be refundable or otherwise restored to the owner; and such deduction is made in the normal course of business of the holder.

§ 1416. Restriction on agreement to locate and/or retrieve abandoned property. 1. For the purposes of this section, "abandoned property location services" shall include any service for a fee providing assistance to consumers for the purposes of locating and/or retrieving property held by the comptroller pursuant to this chapter.

2. This section shall apply to any person, corporation, association, partnership or other entity which sells or offers to sell abandoned property location services for abandoned property delivered to the state and held by the state comptroller; provided, however, that this section shall not apply to a client's agreement with an attorney or accountant where:

(a) the services in question can only be performed by an attorney or accountant; or

(b) there is a pre-existing relationship between the attorney or accountant and the client; or

(c) the agreement results from an effort initiated by the client to engage the attorney or accountant.

3. No agreement for abandoned property location services pursuant to this chapter shall be valid unless such agreement:

(a) is:

(i) in such form as may be prescribed by the comptroller;

(ii) in writing;

(iii) signed by the property owner; and

(iv) witnessed and acknowledged by a notary public;

(b) discloses the nature of the property;

(c) discloses the name and address of the comptroller; and

(d) discloses, in a clear and conspicuous manner, and in at least twelve-point boldface type:

"Abandoned funds held by the State can be obtained directly from the Office of the State Comptroller by the owner of such funds without paying a fee. These funds are held indefinitely by the Office of the State Comptroller. For more information, contact the Office of the State Comptroller at (insert the current telephone number established by the Office of the State Comptroller for receiving inquiries from consumers regarding unclaimed funds) or (insert the current address of the website of the Office of the State Comptroller)".

4. No such agreement shall be valid if it provides for payment of a fee in excess of fifteen percent of the value of recoverable property.

5. Nothing in this section shall be construed to prevent an owner from asserting, at any time, that any agreement for abandoned property location services is based on an excessive or unjust consideration.

§ 1417. Agreements with other states. 1. The state comptroller is authorized to enter into reciprocal agreements with appropriate officers or agencies of other states to effectuate the purposes of this chapter.

2. Reciprocal agreements entered into pursuant to this section may include within their terms:

(a) agreement to receive and distribute abandoned property between agreeing states, in accordance with existing law, and the manner of such distribution;

(b) agreements for cooperation between agreeing states, including the exchange of information and data and use of personnel, in performing audits and other functions relating to securing compliance with this chapter and the applicable statutes of the agreeing states by holders of unclaimed property.

3. (a) For purposes of this section the term "states" shall mean those states, the district of Columbia and the commonwealth of Puerto Rico, which have enacted laws relating to the disposition of unclaimed property and such laws require that the property be held thereby in custody subject to claim by the person or persons entitled thereto at any time.

(b) For purposes of this section the phrase "existing law" shall include within its meaning decisions of the supreme court of the United States.

4. No reciprocal agreement made pursuant to the provisions of this section shall become effective until approved as to form by the attorney general (of each agreeing state).

§ 1418. Property for New York residents held by other states. 1. All property heretofore or hereafter reported and paid to any other state pursuant to the provisions of such other state's unclaimed property laws shall be deemed abandoned property subject to the provisions of this chapter if the last known address of the apparent owner of such property, as it appears on the books and records of such other state, is within this state.

2. The state comptroller, as custodian of unclaimed funds, is hereby authorized to claim such funds from any other state on behalf of the apparent owners of such funds whose last known address is within this state, or may enter into a reciprocal agreement with another state pursuant to section fourteen hundred seventeen of this article for the payment of such funds to this state.

3. The attorney general shall be authorized to maintain an action in any court of appropriate jurisdiction to enforce the provisions of this section if so requested by the state comptroller.

§ 1419. Reporting of abandoned property in the aggregate. Notwithstanding any provision of this chapter to the contrary, the holder of property which must be reported and delivered to the state comptroller as abandoned property need not specify the name, address or other information identifying the owner of any such property amounting to twenty dollars or less in the report provided to the state comptroller when such property is delivered to the state comptroller, and shall instead report abandoned property in amounts of twenty dollars or less in the aggregate; provided, however, that the foregoing provision shall not be construed to relieve any holder of abandoned property from its responsibility to deliver all abandoned property, in any amount, to the state comptroller.

§ 1420. Property held by agricultural cooperative corporations. 1. For the purposes of this section, "agricultural cooperative corporation" shall include any corporation organized or qualified to do business in this state pursuant to the cooperative corporations law, which is operated primarily for the benefit of producers of agricultural products, as such term is defined in subdivision (a) of section three of the cooperative corporations law. Notwithstanding any other provision of this chapter to the contrary, any share of stock, credit, dividend, profit, patronage refund, distribution, interest, equity certificate, equity retain, payment, or other money or property which:

(a) is in the possession of an agricultural cooperative corporation organized or qualified to do business in this state pursuant to the cooperative corporations law;

(b) evidences membership in or resulted from patronage with an agricultural cooperative corporation or the predecessor of such corporation; and

(c) is held for, allocated to the account of, allocated in the name of or owing by the agricultural cooperative corporation to a member, stockholder, patron or other person; shall not be deemed abandoned property or otherwise subject to the provisions of this chapter.

§ 1421. Property held by rural electric cooperatives. 1. For the purposes of this section, "rural electric cooperatives" shall include any corporation organized or qualified to do business in this state pursuant to the rural electric cooperative law.

2. Notwithstanding any other provision of this chapter to the contrary, any share of stock, credit, dividend, profit, patronage refund, distribution, interest, equity certificate, equity retain, payment, or other money or property which:

(a) is in the possession of a rural electric cooperative organized or qualified to do business in this state pursuant to the rural electric cooperative law; or

(b) evidences membership in or resulted from patronage with a rural electric cooperative or the predecessor of such cooperative; or

(c) is held for, allocated to the account of, allocated in the name of or owing by a rural electric cooperative to a member, stockholder, patron or other person; shall not be deemed abandoned property or otherwise subject to the provisions of this chapter.

§ 1422. Mailing of notice to owners of record. 1. Any holder of unclaimed funds which is not otherwise required to perform owner notification mailings under the provisions of this chapter shall send, not less than ninety days prior to the applicable reporting date for such unclaimed property, a written notice by first-class mail to each person appearing to be the owner of property listed in a report of abandoned property required to be filed under the provisions of this chapter, at the address of the owner as it appears on the books and records of the holder; provided, however, that the foregoing requirements shall not apply where (a) the holder does not have an address for the owner; or (b) the holder can demonstrate that the only address that the holder has pertaining to the owner is not the current address of the owner.

2. Where notice is required by subdivision one of this section, each holder shall, with respect to property listed in such report whose value is in excess of one thousand dollars, send a second written notice to the owner by certified mail, return receipt requested not less than sixty days prior to the applicable reporting date for such unclaimed property, provided that no notice pursuant to this subdivision shall be required where: (a) such holder has received a claim from the owner of the property; or (b) the original mailing was returned as undeliverable.

3. The written notice required by this section shall advise the owner that the property to which the owner appears to be entitled will be reported as abandoned property and will be remitted to the state comptroller unless such property is claimed by an entitled party before the required remittance date.

4. The failure of any holder of abandoned property to comply with the requirements of this section shall not in any way affect the reporting of abandoned property pursuant to the provisions of this chapter.

5. Costs paid to the postal authorities by holders of unclaimed property to provide such written notice by certified mail, return receipt requested, may be deducted from the property as a service charge.

ARTICLE XV
LAWS REPEALED; CONSTITUTIONALITY; EFFECTIVE DATE

§ 1500. Laws repealed. Of the laws enumerated in the schedule annexed to this chapter, that portion specified in the last column is hereby repealed.

§ 1501. Constitutionality. If any part, provision or section of this chapter, or the application of any such part, provision or section in any particular respect, shall be adjudged by any court of competent jurisdiction to be unconstitutional or ineffective in whole or in part, such judgment shall be confined in its operation to the particular provision or section or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect, impair or invalidate the remainder of such provisions or sections or their application in other respects; and to the extent that such provisions or sections are not unconstitutional or ineffective, they shall remain in full force and effect.

§ 1502. Effective date. This chapter shall take effect June first, nineteen hundred forty-four.