2022 Regular Session

HOUSE BILL NO. 834

### BY REPRESENTATIVE ILLG

# PROPERTY/ABANDONED: Provides relative to a sports wagering account and presumptions of abandonment

| 1  | AN ACT   |  |  |
|----|--|--|--|
| 2  | To amend and reenact R.S. 9:154(A)(16) and (17) and to enact R.S. 9:153(12)(i),        |  |  |
| 3  | 154(A)(18), and 157.1, relative to unclaimed property; to provide relative to          |  |  |
| 4  | definitions; to provide relative to the definition of "property" for a sports wagering |  |  |
| 5  | account; to provide relative to abandoned property; to provide relative to abandoned   |  |  |
| 6  | funds in a sports wagering account; to prohibit charges by a licensee or sports        |  |  |
| 7  | wagering account operator on abandoned sports wagering accounts; and to provide        |  |  |
| 8  | for related matters.   |  |  |
| 9  | Be it enacted by the Legislature of Louisiana:   |  |  |
| 10 | Section 1. R.S. 9:154(A)(16) and (17) are hereby amended and reenacted and R.S.        |  |  |
| 11 | 9:153(12)(i), $154(A)(18)$ , and $157.1$ are hereby enacted to read as follows:        |  |  |
| 12 | §153. Definitions  |  |  |
| 13 | As used in this Chapter:   |  |  |
| 14 | * * *  |  |  |
| 15 | (12) "Property" means a fixed and certain interest in intangible property that         |  |  |
| 16 | is held, issued, or owed in the course of a holder's business, or by a government or   |  |  |
| 17 | governmental entity, and all income or increments therefrom. The term includes         |  |  |
| 18 | property that is referred to as or evidenced by the following:                         |  |  |
| 19 | * * *  |  |  |

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

| 1  | (i) A sports wagering account, as defined in R.S. 27:602.                              |  |
|----|--|--|
| 2  | * * *  |  |
| 3  | §154. Presumptions of abandonment  |  |
| 4  | A. Property is presumed abandoned if it is unclaimed by the apparent owner             |  |
| 5  | during the time set forth below for the particular property for the following:         |  |
| 6  | * * *  |  |
| 7  | (16) Funds in a sports wagering account if no activity by the apparent owner           |  |
| 8  | has occurred for three years from the last date of an account deposit or withdrawal    |  |
| 9  | or fund transfer from a sports wagering account, withdrawal of funds for sports        |  |
| 10 | wagering, credit of winnings or other amount due to the apparent owner or              |  |
| 11 | authorized by the apparent owner.  |  |
| 12 | (16) $(17)$ Property distributable in the course of a demutualization,                 |  |
| 13 | rehabilitation, or related reorganization of an insurance company, two years after the |  |
| 14 | date of the demutualization or other event covered herein if, at the time of the       |  |
| 15 | demutualization or other event covered herein, the last known address of the owner     |  |
| 16 | on the book and records of the holder is known to be incorrect, or distributions or    |  |
| 17 | statements are returned by the post office as undeliverable, and the owner has not     |  |
| 18 | communicated in writing with the holder or its agent regarding the interest, or        |  |
| 19 | otherwise communicated with the holder regarding the interest as evidenced by a        |  |
| 20 | memorandum or other record on file with the holder or its agent.                       |  |
| 21 | (17) $(18)$ All other property, five years after the obligation to pay or              |  |
| 22 | distribute the property arises.  |  |
| 23 | * * *  |  |
| 24 | §157.1. Prohibited charges by licensee operator or sports wagering account operator    |  |
| 25 | No licensee, operator, or sports wagering account operator holding a sports            |  |
| 26 | wagering account which has been abandoned pursuant to R.S. 9:154 shall charge an       |  |
| 27 | administration fee or maintenance fee for any abandoned sports wagering account        |  |
| 28 | derived from Louisiana residents at any time or for any reason.                        |  |
| 29 | * * *  |  |

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Abstract: Provides relative to unclaimed property for sports wagering accounts.

<u>Present law</u> (R.S. 9:153(12)), relative to the Uniform Unclaimed Property Act, provides for a definition of "property".

<u>Proposed law</u> adds a sports wagering account as defined in <u>present law</u> (R.S. 27:602) to the <u>present law</u> definition of property.

<u>Present law</u> (R.S. 9:154) provides that property is presumed abandoned if it is unclaimed by the apparent owner for a certain period of time which depends on the type of the particular property.

<u>Proposed law</u> retains <u>present law</u> and adds that funds in a sports wagering account are presumed abandoned if no activity by the apparent owner has occurred for three years from the last date of an account deposit or withdrawal or fund transfer from a sports wagering account, withdrawal of funds for sports wagering, credit of winnings or other amount due to the apparent owner or authorized by the apparent owner.

<u>Proposed law</u> prohibits a licensee, operator, or sports wagering account operator holding a sports wagering account which has been abandoned pursuant to <u>proposed law</u> from charging an administration fee or maintenance fee for any abandoned sports wagering account derived from La. residents at any time or for any reason.

(Amends R.S. 9:154(A)(16) and (17); Adds R.S. 9:153(12)(i), 154(A)(18), and 157.1)