PROPERTY CODE

TITLE 6. UNCLAIMED PROPERTY

CHAPTER 74. REPORT, DELIVERY, AND CLAIMS PROCESS

## SUBCHAPTER A. APPLICABILITY

Sec. 74.001. APPLICABILITY. (a) Except as provided by this section, this chapter applies to:

(1) property that is presumed abandoned under Chapter 72, Chapter 73, or Chapter 75;

(2) property that is presumed abandoned under Chapter 154, Finance Code;

(3) unclaimed proceeds under Chapter 1109, Insurance Code; or

(4) any other law requiring a person to report and deliver property to the comptroller under this chapter.

(b) This chapter does not apply to a holder of property subject to Chapter 76.

(c) This chapter does not apply to small credit balances held by an institution of higher education in an unclaimed money fund under Section 51.011, Education Code.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1991, 72nd Leg., ch. 153, Sec. 13, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 1037, Sec. 16, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 465, Sec. 2, eff. Sept. 1, 2003; Acts 2003, 78th Leg., 3rd C.S., ch. 3, Sec. 2.03, eff. Jan. 11, 2004.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1049 (S.B. 5), Sec. 1.07, eff. June 17, 2011.

Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 2, eff. June 10, 2019.

Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 4, eff. May 18, 2021.

## SUBCHAPTER B. PROPERTY REPORT

Sec. 74.101. PROPERTY REPORT. (a) Each holder who on

March 1 holds property to which this chapter applies shall file a report of that property on or before the following July 1. The comptroller may require the report to be in a particular format, including a format that can be read by a computer.

(b) Repealed by Acts 1999, 76th Leg., ch. 1208, Sec. 5, eff. Sept. 1, 1999.

(c) The property report must include, if known by the holder:

(1) the name, social security number, driver's license or state identification number, e-mail address, and last known address of:

(A) each person who, from the records of the holder of the property, appears to be the owner of the property; or

(B) any person who is entitled to the property;

(2) the name and last known mailing or e-mail address of any person designated as a representative for notice under Section 72.1021 or 73.103;

(3) a description of the property, the identification number, if any, and, if appropriate, a balance of each account, except as provided by Subsection (d);

(4) the date that the property became payable, demandable, or returnable;

(5) the date of the last transaction with the owner concerning the property; and

(6) other information that the comptroller by rule requires to be disclosed as necessary for the administration of this chapter.

(d) Amounts due that individually are less than $25 may be reported in the aggregate without furnishing any of the information required by Subsection (c).

(e) A holder of mineral proceeds under Chapter 75 that is regulated by the Railroad Commission of Texas under Chapter 91, Natural Resources Code, shall include in the property report for the proceeds, in addition to the information listed in Subsection (c), the following information with respect to each well the production from which resulted in the proceeds:

(1) the lease, property, or well name;

(2) any lease, property, or well identification number used to identify the lease, property, or well; and

(3) the county in which the lease, property, or well is located.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 426, Sec. 4, eff. Sept. 1, 1987; Acts 1991, 72nd Leg., ch. 153, Sec. 14, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., 1st C.S., ch. 1, Sec. 2, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 1037, Sec. 17, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.06, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1208, Sec. 5, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 62, Sec. 7.86, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 465, Sec. 3, eff. Sept. 1, 2003; Acts 2003, 78th Leg., 3rd C.S., ch. 3, Sec. 2.04, eff. Jan. 11, 2004.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 232 (S.B. 1589), Sec. 1, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 685 (H.B. 257), Sec. 6, eff. January 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 118 (S.B. 1021), Sec. 2, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 480 (S.B. 1589), Sec. 1, eff. January 1, 2016.

Acts 2015, 84th Leg., R.S., Ch. 925 (H.B. 1454), Sec. 3, eff. September 1, 2017.

Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 5, eff. May 18, 2021.

Sec. 74.1011. NOTICE BY PROPERTY HOLDER REQUIRED. (a) Except as provided by Subsection (b), a holder who on March 1 holds property to which this chapter applies that is valued at more than $250 shall, not later than the 60th day before the date the property is delivered to the comptroller, provide to the owner by mail to the last known address of the owner or by e-mail written notice stating that:

(1) the holder is holding the property; and

(2) the holder may be required to deliver the property

to the comptroller on or before July 1 if the property is not claimed.

(b) The notice required under Subsection (a) does not apply to a holder who:

(1) has already provided such notice to the owner of the property or a person entitled to the property under existing federal law, rules, and regulations or state law within the time specified under Subsection (a); or

(2) does not have a record of a physical or e-mail address for the property owner or any other person entitled to the property.

(b-1) If an owner has designated a representative for notice under Section 72.1021 or 73.103, the holder shall mail or e-mail the written notice required under Subsection (a) to the representative in addition to providing written notice to the owner.

(c) A holder that provides notice under this section may charge the cost of the postage as a service charge against the property.

Added by Acts 2009, 81st Leg., R.S., Ch. 232 (S.B. 1589), Sec. 2, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 685 (H.B. 257), Sec. 7, eff. January 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 925 (H.B. 1454), Sec. 4, eff. September 1, 2017.

Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 6, eff. May 18, 2021.

Sec. 74.102. SIGNED STATEMENT. (a) The person preparing a property report shall provide with each copy of the report a statement signed by:

(1) the individual holding the reported property;

(2) a partner, if the holder is a partnership;

(3) an officer, if the holder is an unincorporated association or a private corporation; or

(4) the chief fiscal officer, if the holder is a public corporation.

(b) The statement must include the following sentence:

"This report contains a full and complete list of all property held by the undersigned that, from the knowledge and records of the undersigned, is abandoned under the laws of the State of Texas."

(c) The comptroller may adopt rules or policies relating to the signature requirement, as the comptroller determines appropriate, to maximize the use of future developments in electronic filing technology.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 18, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1208, Sec. 1, eff. Sept. 1, 1999.

Sec. 74.103. RETENTION OF RECORDS. (a) A holder required to file a property report under Section 74.101 shall keep a record of:

(1) the name, the social security number, if known, and the last known address of each person who, from the records of the holder of the property, appears to be the owner of the property;

(2) the name and last known mailing or e-mail address of any representative for notice designated under Section 72.1021 or 73.103;

(3) a brief description of the property, including the identification number, if any; and

(4) the balance of each account, if appropriate.

(b) Without regard to whether the property is reported in the aggregate, the record must be kept for 10 years from the later of:

(1) the date on which the property is reportable; or

(2) the date the report is filed.

(c) The comptroller may by rule provide for a shorter period for keeping a record required by this section.

(d) The comptroller may determine the liability of a holder required to file a property report under Section 74.101 using the best information available to the comptroller if the records of the holder are unavailable or incomplete for any portion of the required retention period.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 19, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.07, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 1310, Sec. 84, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 925 (H.B. 1454), Sec. 5, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 3, eff. June 10, 2019.

Sec. 74.104. CONFIDENTIALITY OF PROPERTY REPORT; EXCEPTIONS. (a) Except as provided by Subsection (c) and Section 74.201, 74.203, or 74.307, a property report filed with the comptroller under Section 74.101 is confidential until the second anniversary of the date the report is filed.

(b) The social security number of an owner that is provided to the comptroller is confidential.

(c) The information reported under Section 74.101(e) is confidential and not subject to disclosure under Chapter 552, Government Code.

(d) Notwithstanding Subsection (c), the comptroller may release the information about a well reported under Section 74.101(e) to a claimant of mineral proceeds from the well if the claim is approved by the comptroller under Section 74.501.

(e) Notwithstanding Subsection (c), the information compiled under Section 74.307(a)(2) is subject to disclosure under Chapter 552, Government Code.

Added by Acts 1991, 72nd Leg., ch. 153, Sec. 15, eff. Sept. 1, 1991. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 20, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.08, eff. Sept. 1, 1997.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 480 (S.B. 1589), Sec. 2, eff. January 1, 2016.

Acts 2015, 84th Leg., R.S., Ch. 480 (S.B. 1589), Sec. 3, eff. January 1, 2016.

Sec. 74.105. COMBINED REPORTING. (a) In this section:

(1) "Affiliated group" means a group of one or more entities in which a controlling interest is owned by a common owner, either corporate or noncorporate, or by one or more of the member entities.

(2) "Controlling interest" means:

(A) for a corporation, more than 50 percent, owned directly or indirectly, of the total voting power of all classes of stock of the corporation;

(B) for a partnership, more than 50 percent, owned directly or indirectly, of the capital or profits in the partnership;

(C) for a limited liability company, more than 50 percent, owned directly or indirectly, of the total membership interest of the limited liability company; and

(D) for an association, trust, or other entity, more than 50 percent, owned directly or indirectly, of the beneficial interest in the association, trust, or other entity.

(b) If a holder that is required to file a property report under this chapter is a member of an affiliated group, the holder shall file one report for the affiliated group.

Added by Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 4, eff. June 10, 2019.

Sec. 74.106. CONTINUING REPORTING REQUIREMENT. (a) A person who is required to file a property report under Section 74.101 in any year shall file a property report in each successive year.

(b) If a person required to file a property report under this section is not holding any property that is reportable under this chapter, the person shall certify that fact.

Added by Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 4, eff. June 10, 2019.

SUBCHAPTER C. NOTICE BY COMPTROLLER

Sec. 74.201. REQUIRED NOTICE. (a) Except as provided by

Section 74.202, the comptroller may use one or more methods as necessary to provide the most efficient and effective notice to each reported owner in the calendar year immediately following the year in which the report required by Section 74.101 is filed. The notice must be provided:

(1) in the county of the property owner's last known address; or

(2) in the county in which the holder has its principal place of business or its registered office for service in this state, if the property owner's last address is unknown.

(b) The notice must state that the reported property is presumed abandoned and subject to this chapter and must contain:

(1) the name and city of last known address of the reported owner;

(2) a statement that, by inquiry, any person possessing a legal or beneficial interest in the reported property may obtain information concerning the amount and description of the property; and

(3) a statement that the person may present proof of the claim and establish the person's right to receive the property.

(c) Deleted by Acts 1997, 75th Leg., ch. 1037, Sec. 21, eff. Sept. 1, 1997.

(d) The comptroller may offer for sale space for suitable advertisements in a notice published under this section.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 426, Sec. 5, eff. Sept. 1, 1987; Acts 1991, 72nd Leg., ch. 153, Sec. 16, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 36, Sec. 3.03, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1037, Sec. 21, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.09, eff. Sept. 1, 1997.

Sec. 74.202. NOTICE FOR ITEM WITH VALUE OF LESS THAN $100. In the notice required by Section 74.201, the comptroller is not required to publish information regarding an item having a value that is less than $100 unless the comptroller determines that publication of that information is in the public interest.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985.

Amended by Acts 1997, 75th Leg., ch. 571, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1037, Sec. 21, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.10, eff. Sept. 1, 1997.

Sec. 74.203. AUTHORIZED NOTICE. (a) During the calendar year immediately following the year in which the report required by Section 74.101 is filed, notice may be mailed to each person who has been reported with a Texas address and appears to be entitled to the reported property.

(b) The notice under Subsection (a) must conform to the requirements for notice under Section 74.201(b).

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1991, 72nd Leg., ch. 153, Sec. 17, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 1037, Sec. 21, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.11, eff. Sept. 1, 1997.

Sec. 74.205. CHARGE FOR NOTICE. The comptroller may charge the following against the property delivered under this chapter:

(1) expenses incurred for the publication of notice required by Section 74.201; and

(2) the amount paid in postage for the notice to the owner required by Section 74.203.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 22, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.12, eff. Sept. 1, 1997.

Sec. 74.206. ADVERTISING AND PROMOTION. The comptroller may advertise or otherwise promote the unclaimed property program in any available media to further the purposes of this title and to provide effective and efficient notice to reported owners.

Added by Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 5, eff. June 10, 2019.

SUBCHAPTER D. DELIVERY

Sec. 74.301. DELIVERY OF PROPERTY TO COMPTROLLER.

(a) Except as provided by Subsection (c), each holder who on March 1 holds property to which this chapter applies shall deliver the property to the comptroller on or before the following July 1 accompanied by the report required to be filed under Section 74.101.

(b) If the property subject to delivery under Subsection (a) is stock or some other intangible ownership interest in a business association for which there is no evidence of ownership, the holder shall issue a duplicate certificate or other evidence of ownership to the comptroller at the time delivery is required under this section.

(c) If the property subject to delivery under Subsection (a) is the contents of a safe deposit box, the comptroller may instruct a holder to deliver the property on a specified date before July 1 of the following year.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1991, 72nd Leg., ch. 153, Sec. 19, 30(2), eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 1037, Sec. 22, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.13, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1208, Sec. 2, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 465, Sec. 4, eff. Sept. 1, 2003; Acts 2003, 78th Leg., 3rd C.S., ch. 3, Sec. 2.05, eff. Jan. 11, 2004.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 685 (H.B. 257), Sec. 8, eff. January 1, 2013.

Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 7, eff. May 18, 2021.

Sec. 74.3011. DELIVERY OF MONEY TO RURAL SCHOLARSHIP FUND. (a) Notwithstanding and in addition to any other provision of this chapter or other law, a local telephone exchange company may deliver reported money to a scholarship fund for rural students instead of delivering the money to the comptroller as prescribed by Section 74.301.

(b) A local telephone exchange company may deliver the money under this section only to a scholarship fund established by one or more local telephone exchange companies in this state to enable

needy students from rural areas to attend college, technical school, or another postsecondary educational institution.

(c) A local telephone exchange company shall file with the comptroller a verification of money delivered under this section that complies with Section 74.302.

(d) A claim for money delivered to a scholarship fund under this section must be filed with the local telephone exchange company that delivered the money. The local telephone exchange company shall forward the claim to the administrator of the scholarship fund to which the money was delivered. The scholarship fund shall pay the claim if the fund determines in good faith that the claim is valid. A person aggrieved by a claim decision may file a suit against the fund in a district court in the county in which the administrator of the scholarship fund is located in accordance with Section 74.506.

(e) The comptroller shall prescribe forms and procedures governing this section, including forms and procedures relating to:

(1) notice of presumed abandoned property;

(2) delivery of reported money to a scholarship fund; and

(3) filing of a claim.

(f) In this section, "local telephone exchange company" means a telecommunications utility certificated to provide local exchange service within the state and that is a telephone cooperative or has fewer than 50,000 access lines in service in this state.

(g) During a state fiscal year, the total amount of money that may be transferred by all local telephone exchange companies under this section may not exceed $800,000. The comptroller shall keep a record of the total amount of money transferred annually. When the total amount of money transferred during a state fiscal year equals the amount allowed by this subsection, the comptroller shall notify each local telephone exchange company that the company may not transfer any additional money to the company's scholarship fund during the remainder of that state fiscal year.

Added by Acts 1995, 74th Leg., ch. 231, Sec. 50(a), eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 23, eff.

Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.14, eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 163 (S.B. 947), Sec. 1, eff. September 1, 2007.

Sec. 74.3012. DELIVERY OF MONEY TO URBAN SCHOLARSHIP FUND. (a) Notwithstanding and in addition to any other provision of this chapter or other law, a local exchange company may deliver reported money to a scholarship fund for urban students instead of delivering the money to the comptroller as prescribed by Section 74.301.

(b) A local exchange company may deliver the money under this section only to a scholarship fund established by one or more local exchange companies in this state to enable needy students from urban areas to attend college, technical school, or another postsecondary educational institution.

(c) A local exchange company shall file with the comptroller a verification of money delivered under this section that complies with Section 74.302.

(d) A claim for money delivered to a scholarship fund under this section must be filed with the local exchange company that delivered the money. The local exchange company shall forward the claim to the administrator of the scholarship fund to which the money was delivered. The scholarship fund shall pay the claim if the fund determines in good faith that the claim is valid. A person aggrieved by a claim decision may file a suit against the fund in a district court in the county in which the administrator of the scholarship fund is located in accordance with Section 74.506.

(e) The comptroller shall prescribe forms and procedures governing this section, including forms and procedures relating to:

(1) notice of presumed abandoned property;

(2) delivery of reported money to a scholarship fund; and

(3) filing of a claim.

(f) In this section, "local exchange company" means a telecommunications utility certificated to provide local exchange

telephone service within the state and that has 50,000 or more access lines in service in this state and is not a telephone cooperative.

(g) During each state fiscal year, the total amount of money that may be transferred by all local exchange companies under this section may not exceed the total amount of money transferred to rural scholarship funds under Section 74.3011 during the previous state fiscal year. The comptroller shall keep a record of the total amount of money transferred annually. If the total amount of money transferred during a state fiscal year equals the amount allowed by this subsection, the comptroller shall notify each local exchange company that the company may not transfer any additional money to the company's scholarship fund during the remainder of that state fiscal year.

Added by Acts 1995, 74th Leg., ch. 231, Sec. 51(a), eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 24, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.15, eff. Sept. 1, 1997.

Sec. 74.3013. DELIVERY OF MONEY FOR RURAL SCHOLARSHIP, ECONOMIC DEVELOPMENT, AND ENERGY EFFICIENCY ASSISTANCE. (a) Notwithstanding and in addition to any other provision of this chapter or other law, a nonprofit cooperative corporation may deliver reported money to a scholarship fund for rural students, to stimulate rural economic development, or to provide energy efficiency assistance to members of electric cooperatives, instead of delivering the money to the comptroller as prescribed in Section 74.301.

(b) A nonprofit cooperative corporation may deliver the money under this section only:

(1) to a scholarship fund established by one or more nonprofit cooperative corporations in this state to enable students from rural areas to attend college, technical school, or other postsecondary educational institution;

(2) to an economic development fund for the stimulation and improvement of business and commercial activity for economic development in rural communities; and

(3) to an energy efficiency assistance fund to assist members of an electric cooperative in reducing their energy consumption and electricity bills.

(c) A nonprofit cooperative corporation shall file with the comptroller a verification of money delivered under this section that complies with Section 74.302.

(d) A claim for money delivered under this section must be filed with the nonprofit cooperative corporation that delivered the money. A nonprofit cooperative corporation shall forward the claim to the administrator of the fund to which the money was delivered. The fund shall pay the claim if the fund determines in good faith that the claim is valid. A person aggrieved by a claim decision may file a suit against the fund in a district court in the county in which the administrator of the fund is located in accordance with Section 74.506.

(e) The comptroller shall prescribe forms and procedures governing this section, including forms and procedures relating to:

(1) notice of presumed abandoned property;

(2) delivery of reported money to a scholarship, economic development fund, or energy efficiency assistance fund;

(3) filing of a claim; and

(4) procedures to allow equitable opportunity for participation by each nonprofit cooperative corporation in the state.

(f) During a state fiscal year the total amount of money that may be transferred by all nonprofit cooperative corporations under this section may not exceed 50 percent of the total money reported for that year by those nonprofit cooperative corporations. The comptroller shall adopt procedures to record the total amount of money transferred annually.

(g) Nonprofit cooperative corporations may combine funds from other sources with any funds delivered under this section. In addition, such cooperatives may engage in other business and commercial activities, in their own behalf or through such subsidiaries and affiliates as deemed necessary, in order to provide and promote educational opportunities and to stimulate rural economic development.

(h) In this section, a nonprofit cooperative corporation means a cooperative corporation organized under Chapters 51 and 52, Agriculture Code, the Texas Nonprofit Corporation Law, as described by Section 1.008(d), Business Organizations Code, the Texas Cooperative Association Law, as described by Section 1.008(i), Business Organizations Code, and Chapter 161, Utilities Code.

Added by Acts 1997, 75th Leg., ch. 904, Sec. 1, eff. Sept. 1, 1997.

Amended by Acts 1999, 76th Leg., ch. 62, Sec. 18.45, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 939 (H.B. 3693), Sec. 14, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 939 (H.B. 3693), Sec. 15, eff. September 1, 2007.

Acts 2023, 88th Leg., R.S., Ch. 291 (S.B. 1768), Sec. 7, eff. May 29, 2023.

Acts 2023, 88th Leg., R.S., Ch. 621 (H.B. 4246), Sec. 1, eff. September 1, 2023.

Sec. 74.302. STATEMENT OF DELIVERED PROPERTY. (a) Property delivered under Section 74.301 must be accompanied by a statement that:

(1) the property delivered is a complete and correct remittance of all accounts subject to this chapter in the holder's possession;

(2) the existence and location of the listed owners are unknown to the holder; and

(3) the listed owners have not asserted a claim or exercised an act of ownership with respect to the owner's reported property.

(b) The statement required by Subsection (a) shall be signed by:

(1) the individual holding the reported property;

(2) a partner, if the holder is a partnership;

(3) an officer, if the holder is an unincorporated association or a private corporation; or

(4) the chief fiscal officer, if the holder is a public

corporation.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1991, 72nd Leg., ch. 153, Sec. 20, eff. Sept. 1, 1991; Acts 1999, 76th Leg., ch. 1208, Sec. 3, eff. Sept. 1, 1999.

Sec. 74.304. RESPONSIBILITY AFTER DELIVERY. (a) If reported property is delivered to the comptroller, the state shall assume custody of the property and responsibility for its safekeeping.

(b) A holder who delivers property to the comptroller in good faith is relieved of all liability to the extent of the value of the property delivered for any claim then existing, that may arise after delivery to the comptroller, or that may be made with respect to the property.

(c) If the holder delivers property to the comptroller in good faith and, after delivery, a person claims the property from the holder or another state claims the property under its laws relating to escheat or unclaimed property, the attorney general shall, on written notice of the claim, defend the holder against the claim, and the holder shall be indemnified from the unclaimed money received under this chapter or any other statute requiring delivery of unclaimed property to the comptroller against any liability on the claim.

(d) The comptroller is not, in the absence of negligence or mishandling of the property, liable to the person who claims the property for damages incurred while the property or the proceeds from the sale of the property are in the comptroller's possession. But in any event the liability of the state is limited to the extent of the property delivered under this chapter and remaining in the possession of the comptroller at the time a suit is filed.

(e) For the purposes of this section, payment or delivery is made in good faith if:

(1) payment or delivery was made in a reasonable attempt to comply with this chapter;

(2) the holder delivering the property was not a fiduciary then in breach of trust with respect to the property and had a reasonable basis for believing based on the facts then known

to the holder that the property was abandoned or inactive for purposes of this chapter; and

(3) there is no showing that the records under which the delivery was made did not meet reasonable commercial standards of practice in the industry.

(f) On delivery of a duplicate certificate or other evidence of ownership to the comptroller under Subsection (b) of Section 74.301, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate are relieved of all liability of every kind in accordance with this section to any person, including any person acquiring the original certificate or the duplicate of the certificate issued to the comptroller, for any losses or damages resulting to any person by the issuance and delivery to the comptroller of the duplicate certificate.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 25, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.16, eff. Sept. 1, 1997.

Sec. 74.306. UNCLAIMED PROPERTY HELD BY FEDERAL GOVERNMENT. (a) If the federal government enacts a law that provides for the discovery of unclaimed property held by the federal government and that provides or makes that information available to the states, the comptroller may pay to the federal government from the unclaimed money received under this chapter or any other statute requiring the delivery of unclaimed property to the comptroller the proportional share of the necessary cost of examining records.

(b) If the federal government delivers unclaimed property to the comptroller, this state shall hold the federal government harmless from claims made by owners of the property after the delivery.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 25, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.18, eff. Sept. 1, 1997.

Sec. 74.3061. ESCHEAT OF FUNDS IN THE POSSESSION OF THE UNITED STATES. (a) In the event any money is due to a resident of this state in the nature of a refund, rebate, or other overpayment of taxes or fees to the United States with respect to which the resident is likely to have his rights to secure such refund or rebate barred by a statute of limitations, or if for any reason at least three years has elapsed after the date on which the resident could have filed a timely claim for said refund or rebate, the comptroller is appointed agent of such resident to apply for said refund or rebate and is authorized to do any act which a natural person could do to recover said money. When the comptroller files an application or initiates any other proceeding to secure said refund or rebate, the comptroller is coupled with an interest in the money sought and money recovered. All property within this provision, including all principal and interest accruing thereon, is declared to have escheated and to have become the property of the state.

(b) The funds escheated by the state pursuant to this provision shall be given notice as provided by Section 74.201. Title to any such property shall be transferred by the state to any persons who in accordance with Subchapter F can show that the property belonged to them immediately prior to the escheat or that they were heirs to those funds immediately prior to the escheat.

Added by Acts 1997, 75th Leg., ch. 1037, Sec. 25, eff. Sept. 1, 1997.

Sec. 74.307. LIST OF OWNERS; OTHER PUBLIC INFORMATION. (a) The comptroller shall compile and revise each year:

(1) except as to amounts reported in the aggregate, an alphabetical list of the names and last known addresses of the owners listed in the reports and the amount credited to each account; and

(2) an alphabetical list by county of:

(A) the number of reports filed under Section 74.101 for mineral proceeds attributable to all wells located in each respective county; and

(B) the aggregate amount of mineral proceeds

reported under Section 74.101 attributable to all wells, if any, located in each respective county.

(b) The comptroller shall make the lists available for public inspection during all reasonable business hours.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985.
Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 25, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.19, eff. Sept. 1, 1997.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 480 (S.B. 1589), Sec. 4, eff. January 1, 2016.

Sec. 74.308. PERIOD OF LIMITATION NOT A BAR. The expiration, on or after September 1, 1987, of any period specified by contract, statute, or court order, during which an action or proceeding may be initiated or enforced to obtain payment of a claim for money or recovery of property, does not prevent the money or property from being presumed abandoned property and does not affect any duty to file a report required by this chapter or to pay or deliver abandoned property to the comptroller.

Added by Acts 1987, 70th Leg., ch. 426, Sec. 5, eff. Sept. 1, 1987.
Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 25, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.20, eff. Sept. 1, 1997.

Sec. 74.309. PRIVATE ESCHEAT AGREEMENTS PROHIBITED. An individual, corporation, business association, or other organization may not act through amendment of articles of incorporation, amendment of bylaws, private agreement, or any other means to take or divert funds or personal property into income, divide funds or personal property among locatable patrons or stockholders, or divert funds or personal property by any other method for the purpose of circumventing the unclaimed property process.

Added by Acts 1987, 70th Leg., ch. 426, Sec. 5, eff. Sept. 1, 1987.

SUBCHAPTER E. DISPOSITION OF DELIVERED PROPERTY

Sec. 74.401. SALE OF PROPERTY. (a) Except as provided by Section 74.404, the comptroller may sell at public sale any personal property, other than money and marketable securities, delivered to the comptroller in accordance with Section 74.301. The comptroller may conduct the sale at the location and in the manner that the comptroller determines affords the most favorable market for the particular property.

(b) The comptroller shall sell the property to the highest bidder. If the comptroller determines that the highest bid is insufficient, the comptroller may decline that bid and offer the property for public or private sale.

(c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 13, eff. June 10, 2019.

(d) If after investigation the comptroller determines that property delivered under this chapter is not marketable or has insubstantial commercial value, the comptroller may destroy or otherwise dispose of the property at any time.

(e) A person may not maintain any action or proceeding against the state, an officer of the state, or the holder of property because of an action taken by the comptroller under this section.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1993, 73rd Leg., ch. 36, Sec. 3.04, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1037, Sec. 26, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.21, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 800, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 6, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 13, eff. June 10, 2019.

Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 8, eff. May 18, 2021.

Sec. 74.402. NOTICE OF SALE. Before the 21st day preceding the day on which a public sale is held under Section 74.401, the

comptroller shall publish notice of the sale in a newspaper of general circulation in Travis County or in the county where the sale is to be held. If the public sale is to be held on the Internet or by an online auction, the comptroller may post the notice on the comptroller's own website before the seventh day preceding the date on which the sale or auction is held.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1993, 73rd Leg., ch. 36, Sec. 3.05, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1037, Sec. 26, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.22, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1263, Sec. 80, eff. Sept. 1, 2001.

Sec. 74.403. PURCHASER'S TITLE. (a) At a sale, public or private, of property that is held under this subchapter, the purchaser receives title to the purchased property free from all claims of the prior owner and prior holder of the property and all persons claiming through or under the owner or holder.

(b) The comptroller shall execute all documents necessary to complete the transfer of title.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 27, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.23, eff. Sept. 1, 1997.

Sec. 74.404. SALE OF MILITARY AWARDS AND DECORATIONS PROHIBITED. (a) In this section, "military award or decoration" means a military decoration for an act of valor, heroism, or exceptional service, a good conduct medal, a service medal, a service ribbon, or a badge, tab, certificate, or letter awarded in connection with military service.

(b) A military award or decoration delivered to the comptroller under this chapter:

(1) may not be sold under Section 74.401 or destroyed; and

(2) shall be delivered by the comptroller to the Texas military forces.

(c) The Texas military forces shall conduct a reasonable

search of public records to locate the person to whom the military award or decoration was awarded. If the department cannot locate the person, the department shall attempt to locate the person's next of kin. If the department locates the person or the person's next of kin, the department shall deliver the award or decoration to the person or the person's next of kin, as applicable.

(d) If the Texas military forces cannot locate the person to whom a military award or decoration was awarded or the person's next of kin, the award or decoration shall be held in trust for the comptroller at:

(1) a museum established by the department; or

(2) if no museum exists, any other public facility designated by the department.

(e) Except as provided by this subsection, a military award or decoration held in trust by a museum or facility designated under Subsection (d) shall be used in a display or exhibit that honors persons who have served the state or nation in military service. If the museum or facility cannot practically incorporate the award or decoration into an established display or exhibit of the museum or facility, the award or decoration shall be kept in a secure storage area or loaned to another museum for use in a display or exhibit that honors persons who have served the state or nation in military service.

(f) This section does not affect a person's right to claim a military award or decoration under Subchapter F.

Added by Acts 2001, 77th Leg., ch. 800, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1217 (S.B. 1536), Sec. 2.14, eff. September 1, 2013.

Sec. 74.405. DISPOSITION OF SECURITIES. (a) The comptroller may sell or otherwise liquidate a security delivered to the comptroller under this chapter.

(b) The comptroller may not sell a security listed on an established stock exchange for less than the price prevailing on the exchange at the time of sale. The comptroller may sell a security not listed on an established exchange by any commercially

reasonable method.

Added by Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 9, eff. May 18, 2021.

SUBCHAPTER F. CLAIM FOR DELIVERED PROPERTY

Sec. 74.501. CLAIM FILED WITH COMPTROLLER. (a) The comptroller shall review the validity of each claim filed under this section.

(b) If the comptroller determines that a claim is valid, the comptroller or the comptroller's authorized agent shall approve the claim. If the claim is for money and has been approved under this section, the comptroller shall pay the claim. If a claim is for personal property other than money and has been approved under this section, the comptroller shall deliver the property to the claimant unless the comptroller has sold the property. If the property has been sold under Section 74.401, the comptroller shall pay to the claimant the proceeds from the sale.

(c) All claims to which this subchapter applies must:

(1) identify the specific property in the possession of the comptroller that is being claimed;

(2) include all necessary documentation the comptroller may require; and

(3) except as provided by Section 74.503, be filed in accordance with procedures, contain the information, and be on forms prescribed by the comptroller.

(d) On receipt of a claim form and all necessary documentation the comptroller may require, or as may be appropriate under the circumstances, the comptroller may approve the claim of:

(1) the reported owner of the property;

(2) if the reported owner died testate:

(A) the appropriate legal beneficiaries of the owner as provided by the last will and testament of the owner that has been accepted into probate or filed as a muniment of title;

(B) the executor of the owner's last will and testament who holds current letters testamentary; or

(C) the appropriate legal beneficiaries of the

owner as provided by a valid last will and testament of the owner that has not been accepted into probate or filed as a muniment of title, if:

(i) the amount of the property being claimed is less than $10,000; and

(ii) the beneficiaries named in the will are the same persons who would inherit the property if the owner had died intestate;

(3) if the reported owner died intestate:

(A) the legal heirs of the owner as provided by Sections 201.001, 201.002, and 201.003, Estates Code;

(B) the court-appointed independent administrator of the owner's estate, if the administrator was appointed before the fourth anniversary of the date of the death of the owner; or

(C) the court-appointed dependent administrator of the owner's estate;

(4) the legal heirs of the reported owner as established by a determination of heirship order signed by a judge of the county probate court or by a county judge;

(5) if the reported owner is a minor child or an adult who has been adjudged incompetent by a court of law, the parent or legal guardian of the child or adult;

(6) if the reported owner is a corporation:

(A) the president or chair of the board of directors of the corporation, on behalf of the corporation; or

(B) any person who has legal authority to act on behalf of the corporation;

(7) if the reported owner is a corporation that has been dissolved or liquidated:

(A) the sole surviving shareholder of the corporation, if there is only one surviving shareholder;

(B) the surviving shareholders of the corporation in proportion to their ownership of the corporation, if there is more than one surviving shareholder;

(C) the corporation's bankruptcy trustee, bankruptcy estate representative, or other person authorized

pursuant to Title 11, United States Code, or an order of a bankruptcy court to act on behalf of or for the benefit of the corporation's bankruptcy estate, or any assignee of any such person; or

(D) the court-ordered receiver for the corporation; or

(8) any other person that is entitled to receive the unclaimed property under other law or comptroller policy.

(e) Except as provided by Subsection (d)(7), (f), or (g) or Section 551.051, Estates Code, the comptroller may not pay to the following persons a claim to which this section applies:

(1) a creditor, a judgment creditor, a lienholder, or an assignee of the reported owner or of the owner's heirs;

(2) a person holding a power of attorney from the reported owner or the owner's heirs; or

(3) a person attempting to make a claim on behalf of a corporation that was previously forfeited, dissolved, or terminated, if the comptroller finds that:

(A) the corporation was revived for the purpose of making a claim under this section; and

(B) the person submitting the claim was not an authorized representative of the corporation at the time of the corporation's forfeiture, dissolution, or termination.

(f) Notwithstanding Subsection (e), the comptroller may approve the claim of:

(1) the attorney general or other Title IV-D agency, as defined by Section 101.033, Family Code, for child support arrearages owed by the reported owner of the property that are reflected in a child support lien notice that complies with Section 157.313, Family Code; or

(2) a person holding a durable power of attorney of a person who is medically incapacitated.

(g) The comptroller may approve a claim for unclaimed property that complies with Section 493.035, Government Code.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 28, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.24, eff. Sept. 1,

1997; Acts 2003, 78th Leg., ch. 1310, Sec. 85, eff. Sept. 1, 2003.
Amended by:

Acts 2005, 79th Leg., Ch. 165 (H.B. 81), Sec. 1, eff. May 27, 2005.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 22.059, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 267 (S.B. 1420), Sec. 3, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 7, eff. June 10, 2019.

Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 10, eff. May 18, 2021.

Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 11, eff. May 18, 2021.

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 17.001, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 368 (H.B. 1221), Sec. 3, eff. September 1, 2023.

Sec. 74.502. CLAIM FILED WITH HOLDER. (a) If a claim is filed with a holder under this section and the holder determines in good faith that the claim is valid, the holder may pay the amount of the claim.

(b) The comptroller shall reimburse the holder for a valid claim paid under this section.

(c) The request from a holder for reimbursement must be filed in accordance with procedures and on forms prescribed by the comptroller.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985.
Amended by Acts 1993, 73rd Leg., ch. 851, Sec. 1, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1037, Sec. 28, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.25, eff. Sept. 1, 1997.

Sec. 74.503. WAIVER OF CLAIM REQUIREMENT. The comptroller may waive the requirement of filing a claim and pay or deliver property directly to a person who does not file a claim if:

(1) the person receiving the property is the reported

owner of the property;

(2) the comptroller reasonably believes the person is entitled to receive the property or payment; and

(3) the property has a value of less than $5,000.

Added by Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 12, eff. May 18, 2021.

Sec. 74.504. HEARING. (a) The comptroller may hold a hearing and receive evidence concerning a claim filed under this subchapter.

(b) If the comptroller considers that a hearing is necessary to determine the validity of a claim, the comptroller shall sign the statement of the findings and the decision on the claim. The statement shall report the substance of the evidence heard and the reasons for the decision. The statement is a public record.

(c) If the comptroller determines that a claim is valid, the comptroller shall approve and sign the claim.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1993, 73rd Leg., ch. 36, Sec. 3.07, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 851, Sec. 3, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1037, Sec. 29, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.27, eff. Sept. 1, 1997.

Sec. 74.506. APPEAL. (a) A person who has filed a claim that complies with Section 74.501(c) may appeal the decision of the comptroller on the claim before the 61st day after the day on which it was rendered.

(b) If a claim that complies with Section 74.501(c) has not been decided before the 91st day after the day on which it was filed, the claimant may file an appeal if, after the claimant provides notice by certified mail to the comptroller of the intent to file an appeal, the comptroller does not reach a decision on the claim on or before the 60th day after the date the notice is delivered to the comptroller. An appeal under this section must be made within one year of the date the claim was filed.

(c) An appeal under this section must be made by filing suit against the state in a district court in Travis County, Texas. The

state's immunity from suit without consent is abolished with respect to suits brought under this section.

(d) A court shall try an action filed under this section de novo and shall apply the rules of practice of the court.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985.

Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 30, eff. Sept. 1, 1997.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 13, eff. May 18, 2021.

Sec. 74.507. ASSISTANCE OF CLAIMANT; FEE FOR RECOVERY. (a) A person who informs a potential claimant that the claimant may be entitled to claim property that is reportable to the comptroller under this chapter, that has been reported to the comptroller, or that is in the possession of the comptroller may not contract for or receive from the claimant for services an amount that exceeds 10 percent of the value of the property recovered, plus reasonable attorney's fees necessary to pursue the claim. If the property involved is mineral proceeds, the amount for services may not include a portion of the underlying minerals or any production payment, overriding royalty, or similar payment.

(b) The person who informs a potential claimant and by contract or other written agreement is to receive a percentage of the value of the property may not file or receive a form to claim on behalf of a claimant.

(c) An agreement to assist a claimant in the recovery of property that is reportable to the comptroller, that has been reported to the comptroller, or that is in the possession of the comptroller under this chapter is enforceable only if the agreement:

(1) clearly states the nature of the property and the services to be provided;

(2) is signed by or on behalf of the claimant; and

(3) states the amount or value of the property reasonably expected to be recovered, computed before and after a fee or other compensation has been deducted.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 426, Sec. 5, eff. Sept. 1, 1987; Acts 1993, 73rd Leg., ch. 36, Sec. 3.09, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1037, Sec. 31, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.29, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1208, Sec. 4, eff. Sept. 1, 1999.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 14, eff. May 18, 2021.

Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 15, eff. May 18, 2021.

Sec. 74.508. CLAIM OF ANOTHER STATE TO RECOVER PROPERTY; PROCEDURE. (a) At any time after property has been paid or delivered to the comptroller under this chapter, another state may recover the property if:

(1) the property was subjected to custody by this state because the records of the holder did not reflect the last known address of the apparent owner when the property was presumed abandoned under this chapter, and the other state establishes that the last known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;

(2) the last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder are in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state;

(3) the records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last known address of the actual owner is in the other state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;

(4) the property was subjected to custody by this state under Subdivision (6) of Subsection (a) of Section 72.001 and under the laws of the state of domicile of the holder the property

has escheated to or become subject to a claim of abandonment by that state; or

(5) the property is the sum payable on a traveler's check, money order, or other similar instrument that was subjected to custody by this state under Subdivision (4) and the instrument was purchased in the other state and under the laws of that state the property escheated to or became subject to a claim of abandonment by that state.

(b) The claim of another state to recover escheated or abandoned property must be presented in a form prescribed by the comptroller, who shall decide the claim within 90 days after it is presented. The comptroller shall allow the claim if he determines that the other state is entitled to the abandoned property under Subsection (a).

Added by Acts 1987, 70th Leg., ch. 426, Sec. 5, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 31, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.30, eff. Sept. 1, 1997.

Sec. 74.509. HANDLING FEE FOR PROCESSING UNCLAIMED PROPERTY. A handling fee may be deducted from the amount of the claim payment if the payment is at least $100.

Added by Acts 1993, 73rd Leg., ch. 36, Sec. 3.10, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 31, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.31, eff. Sept. 1, 1997.

## SUBCHAPTER G. UNCLAIMED MONEY

Sec. 74.601. UNCLAIMED MONEY. (a) The comptroller shall maintain a record that documents unclaimed money received under this chapter or any other statute requiring the delivery of unclaimed property to the comptroller.

(b) The comptroller shall deposit to the credit of the general revenue fund:

(1) all funds, including marketable securities, delivered to the comptroller under this chapter or any other

statute requiring the delivery of unclaimed property to the comptroller;

(2) all proceeds from the sale of any property, including marketable securities, under this chapter;

(3) all funds that have escheated to the state under Chapter 71, except that funds relating to escheated real property shall be deposited according to Section 71.202; and

(4) any income derived from investments of the unclaimed money.

(c) The comptroller shall keep a separate record and accounting for delivered unclaimed property, other than money, before its sale.

(d) Except as provided by Subsection (e), the comptroller shall from time to time invest the amount of unclaimed money in investments approved by law for the investment of state funds.

(e) The comptroller may use the proceeds from the sale of securities delivered under this chapter to buy, exchange, invest, or reinvest in marketable securities. When making or selling the investments, the comptroller shall exercise the judgment and care of a prudent person.

(f) The comptroller shall keep a separate record and accounting for securities delivered, sold, purchased, or exchanged and the proceeds and earnings from the securities.

(g) If an owner does not assert a claim for unclaimed money and the owner is reported to be the state or a state agency, the comptroller may deposit the unclaimed money to the credit of the general revenue fund. The comptroller may establish procedures and adopt rules as necessary to implement this subsection.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1993, 73rd Leg., ch. 36, Sec. 3.11, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1037, Sec. 32, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.32, eff. Sept. 1, 1997.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 232 (S.B. 1589), Sec. 4, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 685 (H.B. 257), Sec. 9, eff. September 1, 2011.

Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 16, eff. May 18, 2021.

Sec. 74.602. USE OF MONEY. Except as provided by Section 381.004, Local Government Code, and Section 74.604 the comptroller shall use the unclaimed money received under this chapter or any other statute requiring the delivery of unclaimed property to the comptroller to pay the claims of persons or states establishing ownership of property in the possession of the comptroller under this chapter or under any other unclaimed property or escheat statute.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1991, 72nd Leg. ch. 304, Sec. 1.40, eff. Jan. 1, 1992; Acts 1993, 73rd Leg., ch. 27, Sec. 3, eff. April 13, 1993; Acts 1993, 73rd Leg., ch. 36, Sec. 3.13, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 506, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1037, Sec. 32, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.33, eff. Sept. 1, 1997.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1134 (S.B. 658), Sec. 1, eff. September 1, 2023.

Sec. 74.603. AUDIT; APPROPRIATION. The unclaimed money received under this chapter or any other statute requiring the delivery of unclaimed property to the comptroller is subject to audit by the State Auditor and to appropriation by the legislature for enforcing and administering this title.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 32, eff. Sept. 1, 1997.

Sec. 74.604. DISPOSITION OF MONEY DELIVERED TO COMPTROLLER FROM CERTAIN ATTORNEY ACCOUNTS. (a) In this section, "IOLTA account" means an account established as required by the Interest on Lawyers' Trust Accounts Program administered by the Texas Access to Justice Foundation under supreme court rule.

(b) Except as provided by Subsection (c), this section

applies to money delivered to the comptroller under Section 74.301 as:

(1) unclaimed or unidentified money in a client trust account established by an attorney or law firm; or

(2) money in an abandoned IOLTA account.

(c) This section does not apply to money paid or delivered to a reported owner by the comptroller under Section 74.503.

(d) Notwithstanding any other law, the comptroller shall deposit money to which this section applies to the credit of the basic civil legal services account of the judicial fund. Except as provided by Subsection (e), money deposited to the credit of the basic civil legal services account under this section may be appropriated only to the supreme court for use in programs approved by the supreme court that provide basic civil legal services to indigent persons.

(e) If the comptroller pays a claim for money deposited to the credit of the basic civil legal services account under Subsection (d), the supreme court shall reimburse the comptroller from the account for the amount of the claim. The supreme court may use money deposited under Subsection (d) to reimburse the comptroller.

(f) The comptroller and the supreme court may adopt rules necessary to implement this section.

Added by Acts 2023, 88th Leg., R.S., Ch. 1134 (S.B. 658), Sec. 2, eff. September 1, 2023.

SUBCHAPTER H. ENFORCEMENT

Sec. 74.701. RULES. The comptroller may adopt rules necessary to carry out this title.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 33, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.34, eff. Sept. 1, 1997.

Sec. 74.702. EXAMINATION OF RECORDS. (a) For purposes of the application and enforcement of this title, the comptroller, the

attorney general, or an authorized agent of either, may at any reasonable time and place, examine the books and records of any person to determine whether the person has complied with this title.

(b) The comptroller, the attorney general, or an agent of either may not make public any information obtained by an examination made under this section and may not disclose that information except in the course of a judicial proceeding, authorized by this chapter, in which the state is a party or pursuant to an agreement with another state allowing joint audits or the exchange of information obtained under this section.

(c) Subsection (a) applies to any books, records, papers, information, or other objects determined by the comptroller or attorney general to be necessary to conduct a complete examination under this title.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1991, 72nd Leg., ch. 153, Sec. 21, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 36, Sec. 3.12, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1037, Sec. 33, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.35, eff. Sept. 1, 1997.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 8, eff. June 10, 2019.

Sec. 74.7021. LIMITATION PERIOD FOR EXAMINATION. (a) The comptroller or attorney general may not begin an examination relating to the reporting, payment, or delivery of property under this chapter after the seventh anniversary of the date a person filed a property report under this title.

(b) The limitation provided by this section does not apply if:

(1) the person has filed a false or fraudulent property report with the intent to avoid delivery of property as required by this title;

(2) a property report for a period has not been filed; or

(3) a court grants a petition to compel the person to

submit to an examination under this chapter, deliver property, or file a property report.

(c) For purposes of Subsection (b)(1), a person is presumed to have acted with intent to avoid delivery of property as required by this title if, after correction of a report, the amount of property to be delivered under this title exceeds the amount initially reported by at least 25 percent.

Added by Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 9, eff. June 10, 2019.

Sec. 74.703. ADDITIONAL PERSONNEL. (a) The comptroller and the attorney general may employ, in the office of either official, additional personnel necessary to enforce this title.

(b) The salary rate of additional personnel may not exceed the rate paid to other state employees for similar services.

(c) The salaries of additional personnel shall be paid in accordance with Section 74.602.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1997, 75th leg., ch. 1037, Sec. 34, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.36, eff. Sept. 1, 1997.

Sec. 74.704. ASSISTANCE IN ENFORCEMENT. (a) If the comptroller requests, the attorney general shall assist the comptroller in enforcing this title.

(b) If the comptroller or the attorney general requests, the state auditor, banking commissioner, securities commissioner, commissioner of insurance, savings and mortgage lending commissioner, Credit Union Commission, Department of Public Safety of the State of Texas, or Texas Workforce Commission, a district or county attorney, or any other state agency or political subdivision of this state shall assist the comptroller or attorney general in enforcing this title.

(c) Notwithstanding any other law, a state agency or political subdivision may not impose a charge for providing a copy of public information requested by the comptroller under this section.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1997, 75th leg., ch. 1037, Sec. 35, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.37, eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 6.065, eff. September 1, 2007.

Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 10, eff. June 10, 2019.

Sec. 74.705. INTEREST. A holder who fails to pay or deliver property within the time prescribed by this chapter shall pay to the comptroller interest, at an annual rate of 10 percent, on the property from the date the property should have been paid or delivered until the date the property is actually paid or delivered.

(b) to (e) Deleted by Acts 1997, 75th Leg., ch. 1037, Sec. 33, eff. Sept. 1, 1997.

(f) A person is exempt from payment of interest under Subsection (a) if the person's action or omission is in connection with the person's official duties as an officer or employee of a political subdivision of this state.

(g) In this section, "person" does not include a local governmental entity or an officer or employee of a local governmental entity who is performing the officer's or employee's official duties for the local governmental entity.

Added by Acts 1985, 69th Leg., ch. 230, Sec. 17, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 426, Sec. 5, eff. Sept. 1, 1987; Acts 1997, 75th Leg., ch. 483, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 888, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1037, Sec. 35, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 16.38, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 19.01(90), eff. Sept. 1, 1999.

Sec. 74.706. PENALTY. (a) A penalty equal to five percent of the value of the property due shall be imposed on a holder who fails to pay or deliver property within the time prescribed by this

chapter. If a holder fails to pay or deliver property before the 31st day after the date the property is due, an additional penalty equal to five percent of the value of the property due shall be imposed.

(b) For purposes of Subsection (a), "holder" does not include a local governmental entity or an officer or employee of a local governmental entity who is performing the officer's or employee's official duties for the local governmental entity.

Added by Acts 1997, 75th Leg., ch. 1037, Sec. 36, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 748, Sec. 1, eff. Sept. 1, 1999.

Sec. 74.707. WAIVER OR ABATEMENT OF PENALTY OR INTEREST. (a) The comptroller may waive penalty or interest, in whole or in part, imposed on delinquent property if the comptroller determines that the holder has made a good faith effort to comply with Chapters 72-75, or for other good cause.

(b) The comptroller may provide for periods during which a holder of delinquent property may report and remit the unclaimed property without paying a penalty or interest.

(c) The comptroller may waive penalty and interest imposed on delinquent property if the holder delivering the property was required to deliver the property on or before November 1, 1997.

Added by Acts 1997, 75th Leg., ch. 1037, Sec. 36, eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 137, Sec. 1, eff. May 16, 2001.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 52 (H.B. 1514), Sec. 17, eff. May 18, 2021.

Sec. 74.708. PROPERTY HELD IN TRUST. A holder who on March 1 holds property presumed abandoned under Chapters 72-75 holds the property in trust for the benefit of the state on behalf of the missing owner and is liable to the state for the full value of the property, plus any accrued interest and penalty. A holder is not required by this section to segregate or establish trust accounts for the property provided the property is timely delivered to the

comptroller in accordance with Section 74.301.

Added by Acts 1997, 75th Leg., ch. 1037, Sec. 36, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 685 (H.B. 257), Sec. 10, eff. January 1, 2013.

Sec. 74.709. SUIT TO COMPEL DELIVERY OF PROPERTY AND CIVIL PENALTIES. (a) On request of the comptroller, the attorney general shall bring an action in district court, in the name of the state, to compel a person to:

(1) permit examination of records in accordance with this chapter;

(2) deliver property; or

(3) file a property report.

(b) Venue for a suit brought under this section is in Travis County.

(c) The fact that a suit seeks enforcement of this section from more than one holder is not grounds for an objection concerning misjoinder of parties or causes of action.

(d) When introduced into evidence, the verified property report, unless rebutted, is sufficient evidence that the property is abandoned and subject to delivery under this chapter and for entry of a judgment transferring custody of the property to the comptroller.

(e) The attorney general, on behalf of the comptroller, may recover reasonable attorney's fees from the holder in addition to recovery of any unclaimed property accrued or a penalty or interest due.

(f) In addition to a penalty or interest assessed on delinquent property, a holder who fails to pay or deliver property or who fails to file a property report within the time prescribed by this chapter is subject to a civil penalty not to exceed $100 for each day of violation.

Added by Acts 1997, 75th Leg., ch. 1037, Sec. 36, eff. Sept. 1, 1997.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 11, eff. June 10, 2019.

Sec. 74.710. CRIMINAL OFFENSE. (a) A holder commits an offense if the holder wilfully violates this chapter, including:

(1) failing to file a report in accordance with this chapter;

(2) failing to pay or deliver property in accordance with this chapter; or

(3) refusing to permit examination of records in accordance with this chapter.

(b) An offense under this section is a Class B misdemeanor.

Added by Acts 1997, 75th Leg., ch. 1037, Sec. 36, eff. Sept. 1, 1997.

Sec. 74.711. AUTHORITY TO TAKE TESTIMONY AND ISSUE ADMINISTRATIVE SUBPOENAS. (a) To enforce this title, the comptroller may:

(1) take testimony;

(2) administer oaths; and

(3) issue subpoenas to compel any person to:

(A) appear and give testimony under oath at a time and place reasonable under the circumstances; or

(B) produce relevant books, records, documents, or other data, in whatever form, for audit, inspection, and copying.

(b) The comptroller may delegate the authority granted under this section to take testimony, administer oaths, and issue subpoenas to an attorney employed by the comptroller.

(c) A person authorized to serve process under the Texas Rules of Civil Procedure may serve a subpoena issued under this section. The person shall serve the subpoena in accordance with the Texas Rules of Civil Procedure.

Added by Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 12, eff. June 10, 2019.

Sec. 74.712. ENFORCEMENT OF SUBPOENAS. (a) If the person

to whom a subpoena is directed under Section 74.711 fails to comply with the subpoena, or fails to file a motion to quash or otherwise demand a pre-compliance review of the subpoena, within the return date specified in the subpoena, the attorney general shall, on the request of the comptroller, bring suit to enforce the subpoena. The suit may be brought in a district court of Travis County.

(b) A court that determines that the subpoena was issued in good faith shall order compliance with the subpoena. The court may apply penalties for civil and criminal contempt otherwise available at law if a person refuses to comply with the court's order.

Added by Acts 2019, 86th Leg., R.S., Ch. 897 (H.B. 3598), Sec. 12, eff. June 10, 2019.