

By: Pitts

H.B. No. 4115

Substitute the following for H.B. No. 4115:

By: Giddings

C.S.H.B. No. 4115

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the reporting and handling of unclaimed property.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 74.101, Property Code, is amended by
5 amending Subsection (c) and adding Subsection (e) to read as
6 follows:

7 (c) The property report must include:

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

11 (A) each person who, from the records of the
12 holder of the property, appears to be the owner of the property; ~~and~~
13 or

14 (B) ~~[the name and address, if known, of]~~ any
15 person who is entitled to the property;

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

19 (3) the date that the property became payable,
20 demandable, or returnable;

21 (4) the date of the last transaction with the owner
22 concerning the property; and

23 (5) other information that the comptroller by rule
24 requires to be disclosed as necessary for the administration of

1 this chapter.

2 (e) A penalty equal to five percent of the value of the
3 property shall be imposed on a person who knowingly fails to report
4 a social security number as required by Subsection (c).

5 SECTION 2. Subchapter B, Chapter 74, Property Code, is
6 amended by adding Section 74.1011 to read as follows:

7 Sec. 74.1011. NOTICE BY PROPERTY HOLDER REQUIRED. (a)
8 Except as provided by Subsection (b), a holder who on June 30 holds
9 property valued at more than \$250 that is presumed abandoned under
10 Chapter 72, 73, or 75 of this code or Chapter 154, Finance Code,
11 shall, on or before the following August 1, mail to any person who,
12 from the records of the holder of the property, appears to be the
13 owner of the property or a person entitled to the property written
14 notice stating that:

15 (1) the holder is holding the property; and

16 (2) the holder may be required to deliver the property
17 to the comptroller on or before November 1 if the property is not
18 claimed.

19 (b) A holder shall send the notice required by this section
20 to the last known address of the person who appears to be the
21 property owner or a person entitled to the property. A holder who
22 does not have a record of an address for the property owner or any
23 other person entitled to the property is not required to provide
24 notice under this section.

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

1 SECTION 3. The heading to Subchapter C, Chapter 74,
2 Property Code, is amended to read as follows:

3 SUBCHAPTER C. NOTICE BY COMPTROLLER

4 SECTION 4. Section 74.601, Property Code, is amended by
5 adding Subsection (g) to read as follows:

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

11 SECTION 5. Subchapter A, Chapter 811, Government Code, is
12 amended by adding Section 811.010 to read as follows:

13 Sec. 811.010. PROVISION OF CERTAIN INFORMATION TO
14 COMPTROLLER. (a) Not later than June 1 of each year, the
15 retirement system shall provide to the comptroller, for the purpose
16 of assisting the comptroller in the identification of persons
17 entitled to unclaimed property reported to the comptroller, the
18 name, address, social security number, and date of birth of each
19 member, retiree, and beneficiary from the retirement system's
20 records.

21 (b) Information provided to the comptroller under this
22 section is confidential and may not be disclosed to the public.

23 (c) The retirement system shall provide the information in
24 the format prescribed by rule by the comptroller.

25 SECTION 6. Subchapter A, Chapter 821, Government Code, is
26 amended by adding Section 821.010 to read as follows:

27 Sec. 821.010. PROVISION OF CERTAIN INFORMATION TO

1 COMPTROLLER. (a) Not later than June 1 of each year, the
2 retirement system shall provide to the comptroller, for the purpose
3 of assisting the comptroller in the identification of persons
4 entitled to unclaimed property reported to the comptroller, the
5 name, address, social security number, and date of birth of each
6 member, retiree, and beneficiary from the retirement system's
7 records.

8 (b) Information provided to the comptroller under this
9 section is confidential and may not be disclosed to the public.

10 (c) The retirement system shall provide the information in
11 the format prescribed by rule by the comptroller.

12 SECTION 7. Subchapter F, Chapter 301, Labor Code, is
13 amended by adding Section 301.086 to read as follows:

14 Sec. 301.086. PROVISION OF CERTAIN INFORMATION TO
15 COMPTROLLER. (a) Not later than June 1 of each year, the commission
16 shall provide to the comptroller, for the purpose of assisting the
17 comptroller in the identification of persons entitled to unclaimed
18 property reported to the comptroller, the name, address, social
19 security number, and date of birth of each person about whom the
20 commission has such information in its records.

21 (b) Information provided to the comptroller under this
22 section is confidential and may not be disclosed to the public.

23 (c) The commission shall provide the information in the
24 format prescribed by rule by the comptroller.

25 SECTION 8. The heading to Section 521.044, Transportation
26 Code, is amended to read as follows:

27 Sec. 521.044. USE OR DISCLOSURE OF SOCIAL SECURITY NUMBER

1 INFORMATION [~~FOR CHILD SUPPORT COLLECTION~~].

2 SECTION 9. Section 521.044(a), Transportation Code, is
3 amended to read as follows:

4 (a) Information provided on a driver's license application
5 that relates to the applicant's social security number may be used
6 only by the department or disclosed only to:

7 (1) the child support enforcement division of the
8 attorney general's office;

9 (2) another state entity responsible for enforcing the
10 payment of child support; [~~or~~]

11 (3) the United States Selective Service System as
12 provided by Section 521.147; or

13 (4) the unclaimed property division of the
14 comptroller's office.

15 SECTION 10. This Act takes effect September 1, 2009.