

1-1 By: Raney, Fallon, Guerra (Senate Sponsor - Eltife) H.B. No. 1454
1-2 (In the Senate - Received from the House April 16, 2015;
1-3 May 4, 2015, read first time and referred to Committee on Business
1-4 and Commerce; May 18, 2015, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 18, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1454 By: Huffines

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to property that is or may be presumed abandoned.
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Subchapter B, Chapter 72, Property Code, is
1-24 amended by adding Section 72.1021 to read as follows:
1-25 Sec. 72.1021. SHARES OF MUTUAL FUND; DESIGNATION OF
1-26 REPRESENTATIVE FOR NOTICE. (a) The owner of shares of a mutual fund
1-27 may designate the name and a mailing or e-mail address of a
1-28 representative of the owner only for the purpose of receiving the
1-29 notice required by Section 74.1011. The owner is not required to
1-30 designate a representative under this subsection.
1-31 (b) The comptroller shall prescribe a form that a holder of
1-32 shares of a mutual fund may make available to an owner of the shares
1-33 to designate a representative for notice under this section.
1-34 (c) A representative for notice designated under this
1-35 section does not have any rights to the mutual fund shares and may
1-36 not access the shares.
1-37 (d) The running of the three-year period of abandonment
1-38 under Section 72.101 ceases immediately if a representative
1-39 designated under this section communicates to the holder that the
1-40 representative knows:
1-41 (1) the owner's location; and
1-42 (2) that the owner exists and has not abandoned the
1-43 shares of the mutual fund.
1-44 SECTION 2. Subchapter B, Chapter 73, Property Code, is
1-45 amended by adding Section 73.103 to read as follows:
1-46 Sec. 73.103. DESIGNATION OF REPRESENTATIVE FOR NOTICE. (a)
1-47 The depositor of an account or the owner of the contents of a safe
1-48 deposit box may designate the name and a mailing or e-mail address
1-49 of a representative of the depositor or the owner only for the
1-50 purpose of receiving the notice required by Section 74.1011. The
1-51 depositor or owner is not required to designate a representative
1-52 under this subsection.
1-53 (b) The comptroller shall prescribe a form that a holder of
1-54 an account or the contents of a safe deposit box may make available
1-55 to a depositor of the account or owner of the contents of the box to
1-56 designate a representative for notice under this section.
1-57 (c) A representative for notice designated under this
1-58 section does not have any rights to the account or safe deposit box
1-59 and may not access the account or box.
1-60 (d) The running of a period of abandonment under Section
1-61 73.101 ceases immediately if a representative designated under this

2-1 section communicates to the holder that the representative knows:
2-2 (1) the depositor's or owner's location; and
2-3 (2) that the depositor or owner exists and has not
2-4 abandoned the account or the contents of a safe deposit box.

2-5 SECTION 3. Section 74.101(c), Property Code, is amended to
2-6 read as follows:

2-7 (c) The property report must include, if known by the
2-8 holder:

2-9 (1) the name, social security number, driver's license
2-10 or state identification number, e-mail address, and ~~[the]~~ last
2-11 known address of:

2-12 (A) each person who, from the records of the
2-13 holder of the property, appears to be the owner of the property; or

2-14 (B) any person who is entitled to the property;

2-15 (2) the name and last known mailing or e-mail address
2-16 of any person designated as a representative for notice under
2-17 Section 72.1021 or 73.103;

2-18 (3) a description of the property, the identification
2-19 number, if any, and, if appropriate, a balance of each account,
2-20 except as provided by Subsection (d);

2-21 (4) ~~[(3)]~~ the date that the property became payable,
2-22 demandable, or returnable;

2-23 (5) ~~[(4)]~~ the date of the last transaction with the
2-24 owner concerning the property; and

2-25 (6) ~~[(5)]~~ other information that the comptroller by
2-26 rule requires to be disclosed as necessary for the administration
2-27 of this chapter.

2-28 SECTION 4. Section 74.1011, Property Code, is amended by
2-29 adding Subsection (b-1) to read as follows:

2-30 (b-1) If an owner has designated a representative for notice
2-31 under Section 72.1021 or 73.103, the holder shall mail or e-mail the
2-32 written notice required under Subsection (a) to the representative
2-33 in addition to mailing the notice to the owner.

2-34 SECTION 5. Section 74.103(a), Property Code, is amended to
2-35 read as follows:

2-36 (a) A holder required to file a property report under
2-37 Section 74.101 shall keep a record of:

2-38 (1) the name, the social security number, if known,
2-39 and the last known address of each person who, from the records of
2-40 the holder of the property, appears to be the owner of the property;

2-41 (2) the name and last known mailing or e-mail address
2-42 of any representative for notice designated under Section 72.1021
2-43 or 73.103;

2-44 (3) a brief description of the property, including the
2-45 identification number, if any; and

2-46 (4) ~~[(3)]~~ the balance of each account, if appropriate.

2-47 SECTION 6. INTERIM STUDY ON ESCHEAT AND ABANDONED PROPERTY
2-48 LAWS. (a) The house committee on investments and financial

2-49 services shall conduct an interim study to examine the state's
2-50 escheat laws and abandoned property laws, including Title 6,
2-51 Property Code. The study must:

2-52 (1) focus particularly on the impact of abandoned
2-53 personal property laws on elderly Texans;

2-54 (2) include a review of the escheat and abandoned
2-55 property laws of other states; and

2-56 (3) seek to determine whether any improvements to the
2-57 statutes of this state governing escheat and abandoned property may
2-58 be made.

2-59 (b) Not later than November 1, 2016, the committee shall
2-60 submit a report to the lieutenant governor, speaker of the house of
2-61 representatives, and members of the legislature on the findings of
2-62 the study and any recommendations for legislation relating to
2-63 escheat or abandoned property.

2-64 (c) This section expires June 1, 2017.

2-65 SECTION 7. (a) Except as provided by Subsection (b) of this
2-66 section, this Act takes effect September 1, 2017.

2-67 (b) Section 6 of this Act takes effect September 1, 2015.