

By: Huffines

S.B. No. 1711

A BILL TO BE ENTITLED

AN ACT

relating to the claim process for unclaimed property.

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

SECTION 1. Section 74.501, Property Code, is amended by adding Subsection (g) to read as follows:

(g) If the comptroller or the comptroller's authorized agent determines that a claim is not valid, the comptroller or the comptroller's authorized agent shall deny the claim. The comptroller or the comptroller's authorized agent shall mail to the person aggrieved by the denial decision a notice that states that:

(1) the claim is denied; and

(2) the person may:

(A) before the 61st day after the day on which the decision was rendered appeal the denial decision under Section 74.506; or

(B) not later than the first anniversary of the date the decision was rendered:

(i) request a hearing under Section 74.5065 for review of the denial decision; or

(ii) appeal the denial decision under Section 74.5066.

SECTION 2. Section 74.506, Property Code, is amended by adding Subsection (e) to read as follows:

(e) A person who appeals a decision of a claim under this

1 section waives the right to a review hearing under Section 74.5065
2 and an appeal under Section 74.5066.

3 SECTION 3. Subchapter F, Chapter 74, Property Code, is
4 amended by adding Sections 74.5065 and 74.5066 to read as follows:

5 Sec. 74.5065. REVIEW OF CLAIM DENIAL DECISION. (a) A
6 person aggrieved by the denial of a claim under Section 74.501 may
7 request a hearing to review the denial decision by submitting to the
8 comptroller or the comptroller's authorized agent a request in
9 writing not later than the first anniversary of the date the claim
10 was denied.

11 (b) If a request is submitted as provided by Subsection (a),
12 the comptroller or the comptroller's authorized agent shall hold a
13 hearing not later than the 30th day after the date the comptroller
14 or the comptroller's authorized agent receives the request for
15 review.

16 (c) At the hearing, the aggrieved person may present
17 relevant evidence and argument against the denial of the claim.

18 (d) Not later than the 30th day after the date of the
19 conclusion of the hearing, the comptroller or the comptroller's
20 authorized agent shall affirm or reverse the denial of the claim.
21 The comptroller or the comptroller's authorized agent shall
22 promptly notify the aggrieved person in writing of the decision
23 issued under this subsection. If the comptroller or the
24 comptroller's authorized agent fails to issue a decision within the
25 period prescribed by this subsection, the denial of the claim is
26 affirmed.

27 (e) A person aggrieved by a decision under Subsection (d)

1 may appeal the decision before the 61st day after the date on which
2 the decision was issued or the date on which the decision was
3 affirmed by operation of law if the comptroller or the
4 comptroller's authorized agent fails to issue a decision within the
5 prescribed period. Sections 74.506(c) and (d) apply to an appeal of
6 the decision under this subsection.

7 (f) A person who requests a review hearing under this
8 section waives the right to an appeal under Section 74.5066.

9 Sec. 74.5066. APPEAL TO JUSTICE COURT. (a) Subject to
10 Subsection (b), a person aggrieved by the denial of a claim under
11 Section 74.501 may appeal the denial decision by filing suit
12 against the state in justice court in the county in which the
13 claimant resides not later than the first anniversary of the date
14 the decision was rendered. The state's immunity from suit without
15 consent is abolished with respect to suits brought under this
16 section.

17 (b) An action may be filed under this section only if the
18 amount in controversy is within the limits prescribed by Section
19 27.031, Government Code.

20 (c) A justice court shall try an action filed under this
21 section de novo.

22 (d) A person who appeals a denial decision under this
23 section waives the right to a review hearing under Section 74.5065.

24 SECTION 4. The changes in law made by this Act apply only to
25 a claim filed on or after the effective date of this Act. A claim
26 filed before the effective date of this Act is governed by the law
27 in effect on the date the claim was filed, and the former law is

1 continued in effect for that purpose.

2 SECTION 5. This Act takes effect September 1, 2017.