

---

# Wisconsin Legislative Council

## AMENDMENT MEMO

---



**Memo published:** February 7, 2020

**Contact:** Rachel E. Snyder, Senior Staff Attorney

**2019 Assembly Bill 752**

**Assembly  
Amendment 1**

### 2019 ASSEMBLY BILL 752

Very generally, Assembly Bill 752 incorporates several provisions of the Revised Uniform Unclaimed Property Act (RUUPA) into Wisconsin unclaimed property law (ch. 177, Stats.), makes additional modifications to unclaimed property law that are not directly derived from RUUPA, and reorganizes the chapter into subchapters. More specifically, major provisions of the bill do the following:

- Define several items, including gift cards, game-related digital content, and virtual currency and specify whether such items are property subject to unclaimed property law.
- Modify when certain property is presumed abandoned, including money orders, certain insurance payouts, and tax-deferred accounts.
- Create recordkeeping requirements for unclaimed property holders, require that holders file reports electronically, and establish confidentiality provisions regarding unclaimed property-related records and reports received by the Department of Revenue (DOR).
- Require that reports filed by an unclaimed property holder include the apparent owner's Social Security number or tax ID number and date of birth, if known or readily ascertainable by the holder.
- Establish an appeal process for unclaimed property holders whose records are examined by DOR. Under the bill, a holder may appeal a DOR audit determination of the holder's liability for unclaimed property.
- Modify the regulation of unclaimed property locator services by reducing the maximum fee that a locator service may charge, modify what must be included in an agreement between an unclaimed property owner and a locator service, and extend the permissible term of an agreement from 12 to 24 months.
- Create a voluntary disclosure program under which DOR and an unclaimed property holder may enter into an agreement for the voluntary disclosure of unclaimed property in exchange for a waiver of penalties.
- Allow DOR to use any information available, including estimates if the holder's records are inadequate, to determine the amount of unclaimed property that is to be remitted to DOR and authorize DOR to collect unpaid balances from holders.
- Allow DOR to use tax records to identify owners of unclaimed property and to process claims and permit DOR to collect amounts paid to a wrongful owner and to use unclaimed property to set off other certain public debts that are certified to DOR for collection.
- Clarify that property held by Wisconsin state agencies is exempt from unclaimed property provisions. Likewise, any payment or credit shown on the books and records of a business

association to another business association in the ordinary course of business is not reportable to the state as unclaimed property.

- Eliminate the requirement that a penalty for failure to timely pay or deliver property to DOR include interest. Instead, anyone who fails to timely pay or deliver property must pay a penalty of 15 percent of the value of the property and, potentially, an additional \$100 per day that the property is not paid or delivered.

## **ASSEMBLY AMENDMENT 1**

The amendment makes several technical changes to the bill to address incorrect word choices and cross-references. The amendment also does the following:

- Modifies the provision addressing when a tax-deferred retirement account is presumed abandoned to more closely align with RUUPA language.
- Modifies the provision addressing when a custodial account for a minor is presumed abandoned to ensure that a minor's account may not be presumed abandoned until after the minor has reached the age of majority.
- Reinstates current law provisions that: (1) prescribe the contents of the notice that DOR must publish regarding owners of unclaimed property; and (2) provide that DOR is not required to publish notice of any item with a value of less than \$50 unless the unclaimed property administrator determines that publication is in the public interest.
- Repeals a provision that protects various unclaimed property-related records from inspection or copying under Wisconsin public records law until 12 months after payment or delivery of the property is due. Under a separate provision of the bill, such information would generally remain confidential and exempt from public inspection or disclosure.
- Clarifies that reports and records of a claimant are confidential and exempt from public inspection or disclosure.

## **BILL HISTORY**

Representative August introduced Assembly Bill 752 on January 16, 2020, and offered Assembly Amendment 1 on January 28, 2020. On January 29, 2020, the Assembly Committee on State Affairs recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes 13; Noes, 0.

RES:jal