

**WISCONSIN DEPARTMENT OF REVENUE  
DIVISION OF INCOME, SALES, AND EXCISE TAX**

**NOTICE OF PROPOSED GUIDANCE DOCUMENTS**

Pursuant to sec. 227.112, Wis. Stats., the Wisconsin Department of Revenue, Division of Income, Sales, and Excise Taxes hereby seeks comment on the proposed guidance document listed in the table below.

**SUBMITTING PUBLIC COMMENTS**

Public comments on proposed or adopted guidance documents may be submitted online at: <https://www.revenue.wi.gov/Pages/contactUs/proposed-Guidance.aspx>.

**DEADLINE FOR SUBMISSION**

The period for public comment for proposed guidance documents ends 21 days after publication in the Administrative Register, unless the Governor approves a shorter commenting period.

<b>Document Number</b>	<b>Document Title</b>
<b>100088</b>	Terms - Unclaimed Property - Common Questions

State of Wisconsin  
Department of Revenue

## Terms - Unclaimed Property

**This is a proposed guidance document. The document has been submitted to the Legislative Reference Bureau for publication in the Administrative Register for public comment as provided by sec. 227.112(1), Wis. Stats.**

1. What is the definition of abandoned?
2. What is the definition of holder?
3. What is the definition of activity?
4. What is the definition of aggregate amount?
5. What is the definition of custodian?
6. What is the definition of date of last activity?
7. What is the definition of due diligence?
8. What is the definition of escheat period?
9. What is the definition of financial institution?
10. What is the definition of indemnification?
11. What is the definition of intangible property?
12. What is the definition of report?
13. What is the definition of owner?
14. What is the definition of tangible personal property?
15. What is the definition of underlying shares?

---

**1. What is the definition of abandoned?**

Property is abandoned when the owner does not make contact with the holder for a period of one to five years depending on the type of property. Stocks and other intangible interests in a business association are not abandoned if the holder has sent a statement or written communication to the owner and the statement is not returned to the holder as undeliverable.

**2. What is the definition of holder?**

A person who is either in possession of property belonging to another, a trustee, or indebted to another on an obligation.

**3. What is the definition of activity?**

Action taken on property by the owner including making a deposit or withdrawal, negotiating a check, or a documented communication by the owner to the holder.

**4. What is the definition of aggregate amount?**

The amount below which the holder need not perform due diligence and attempt to contact the owner prior to reporting funds as unclaimed property. The aggregate amount in Wisconsin is \$50.

**5. What is the definition of custodian?**

An individual or entity that holds property until it is delivered to the rightful owner. Most states' laws make the state the "custodian" of abandoned property.

**6. What is the definition of date of last activity?**

The date of the owner's last activity related to the property or the owner's contact with the holder.

**7. What is the definition of due diligence?**

The legally required degree of effort a holder of abandoned property must perform to find the rightful owner of property before it is remitted over to the state.

**8. What is the definition of escheat period?**

The period of time required by the applicable state law that must elapse before the property is presumed to be abandoned and turned over to the state. For example, the "escheat period" for miscellaneous intangible personal property is usually five years after it became payable or distributable. The "escheat period" is also referred to as the "holding period" or "dormancy period."

**9. What is the definition of financial institution?**

Any savings and loan association, building and loan association, credit union (cooperative bank), or investment company.

**10. What is the definition of indemnification?**

An agreement that protects the holder from loss by transferring the legal responsibilities for the unclaimed property to a third party, such as the state.

**11. What is the definition of intangible property?**

The following are considered intangible property:

Monies, checks, drafts, deposits, interest, dividends, and income; Credit balances, customer overpayments, gift certificates; Security deposits, refunds, credit memos, unpaid wages, unused airline tickets, and unidentified remittances; Stocks and other intangible ownership interests in business associations; Monies deposited to redeem stocks, bonds, coupons, and other securities, or to make distributions; Amounts due and payable under the terms of insurance policies; Amounts distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.

**12. What is the definition of report?**

A list of owners and the value of their unclaimed properties that is filed with the department annually.

**13. What is the definition of owner?**

A person having a legal or equitable claim to the abandoned property.

**14. What is the definition of tangible personal property?**

Physical property, such as jewelry, gold and silver coins and other collectibles typically kept in safe deposit boxes.

**15. What is the definition of underlying shares?**

Shares of stock that have been issued by a business association or a financial institution. The original certificates for the shares are in the possession of the shareholders, who didn't cash the dividend checks or correspond with the issuing corporation.

## Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of December 5, 2019: Sections 177.01, 177.02, 177.16, 177.17 and 177.19, Wis. Stats.

Laws enacted and in effect after December 5, 2019, new administrative rules, and court decisions may change the interpretations in this document. Guidance issued prior to December 5, 2019, that is contrary to the information in this document is superseded by this document, pursuant to sec. 73.16(2)(a), Wis. Stats.

### FOR QUESTIONS OR COMMENTS CONTACT:

WISCONSIN DEPARTMENT OF REVENUE

PO Box 8982

Madison, WI 53708-8982

Phone: (608) 264-4594

Email additional questions to [DORUnclaimedProperty@wisconsin.gov](mailto:DORUnclaimedProperty@wisconsin.gov)

Guidance Document Certification: <https://www.revenue.wi.gov/Pages/Certification-Statement.aspx>

Guidance Document Number: 100088

December 5, 2019

[About Us](#) [Contact Us](#) [Employment](#) [Media Room](#) [Plain Language](#) [Privacy](#) [Legal Training](#)



Copyright © State of Wisconsin All Rights Reserved