

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/3/15
A Bill

SENATE BILL 356

By: Senators Files, Rapert
By: Representative Jett

For An Act To Be Entitled

AN ACT TO PROVIDE FOR ESCHEATMENT OF A UNITED STATES
SAVINGS BOND; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR ESCHEATMENT OF A UNITED
STATES SAVINGS BOND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 18, Chapter 28, Subchapter 2, is amended to add an additional section to read as follows:

18-28-231. Escheatment – United States savings bond.

(a) Notwithstanding any law to the contrary, including § 18-28-202(a)(10) and (14) and § 18-28-219(b), a United States savings bond held or owing in this state is presumed abandoned if the savings bond remains unclaimed for five (5) years after the date of maturity of the United States savings bond.

(b) If a United States savings bond is presumed abandoned under subsection (a) of this section, the United States savings bond shall escheat to the state two (2) years after becoming abandoned property according to subsections (c)-(f) of this section.

(c)(1) If no claim for the United States savings bond is filed under § 18-28-215, the administrator shall file a civil action for escheatment of the United States savings bond within one hundred eighty (180) days after the two-year period under subsection (b) of this section.

(2) The administrator may postpone filing a civil action under



subdivision (c)(1) of this section until additional United States savings bonds accumulate to justify the expense of the proceeding.

(d) The administrator shall provide notice of the civil action to an individual named as a defendant in the civil action in the manner provided for under § 16-3-101 et seq., and prescribed by Rule 4 of the Arkansas Rules of Civil Procedure.

(e) If no person files a claim or appears at the hearing to substantiate a claim or if the court determines that a claimant is not entitled to the property claimed by the claimant, then the court shall enter judgment that:

(1) The United States savings bond escheats to the state; and

(2) All property rights and legal title to and ownership of the United States savings bond or proceeds from the United States savings bond, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, are vested solely in the state.

(f) Notwithstanding §§ 18-28-213 and 18-28-225, the administrator shall redeem any United States savings bonds escheated to the state and deposit the proceeds recovered by the administrator into the Unclaimed Property Proceeds Trust Fund.

(g)(1) Notwithstanding § 18-28-215(c), a person may file a claim with the administrator for a United States savings bond or the proceeds from the savings bond that has escheated to the state under this section.

(2)(A) Upon submission of sufficient proof of the validity of a claim for a United States savings bond that has escheated to the state, the administrator may pay the claim after deducting the expense incurred by the administrator in securing full title and ownership of the United States savings bond by escheatment.

(B) Upon payment of a valid claim, no action thereafter shall be maintained by any other claimant against the state for the funds.

(h) The administrator may contract with and obtain outside legal counsel in the administration of this section.

/s/Files