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**HOUSE BILL 2179**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representative Pellicciotti

1 AN ACT Relating to transferring the unclaimed property program  
2 administration to the office of the state treasurer; amending RCW  
3 43.08.010, 63.29.030, 63.29.040, 63.29.135, 63.29.170, 63.29.180,  
4 63.29.190, 63.29.192, 63.29.193, 63.29.194, 63.29.195, 63.29.200,  
5 63.29.210, 63.29.220, 63.29.230, 63.29.240, 63.29.250, 63.29.260,  
6 63.29.270, 63.29.280, 63.29.290, 63.29.300, 63.29.310, 63.29.320,  
7 63.29.330, 63.29.340, 63.29.350, 63.29.370, 63.29.380, and 63.29.900;  
8 reenacting and amending RCW 63.29.010; creating a new section; and  
9 providing an effective date.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 NEW SECTION. **Sec. 1.** (1) All powers, duties, and functions of  
12 the department of revenue pertaining to administration of unclaimed  
13 property pursuant to chapter 63.29 RCW are transferred to the state  
14 treasurer. All references to the director or the department of  
15 revenue in the Revised Code of Washington mean the director or the  
16 state treasurer when referring to the functions transferred in this  
17 section.

18 (2)(a) All reports, documents, surveys, books, records, files,  
19 papers, or written material in the possession of the department of  
20 revenue pertaining to the powers, duties, and functions transferred  
21 must be delivered to the custody of the state treasurer. All

1 cabinets, furniture, office equipment, motor vehicles, and other  
2 tangible property employed by the department of revenue in carrying  
3 out the powers, duties, and functions transferred must be made  
4 available to the state treasurer. All funds, credits, or other assets  
5 held in connection with the powers, duties, and functions transferred  
6 are assigned to the state treasurer.

7 (b) Any appropriations made to the department of revenue for  
8 carrying out the powers, duties, and functions transferred are, on  
9 the effective date of this section, transferred and credited to the  
10 state treasurer.

11 (c) Whenever any question arises as to the transfer of any  
12 personnel, funds, books, documents, records, papers, files,  
13 equipment, or other tangible property used or held in the exercise of  
14 the powers and the performance of the duties and functions  
15 transferred, the director of financial management must make a  
16 determination as to the proper allocation and certify the same to the  
17 state agencies concerned.

18 (3) All employees of the department of revenue engaged in  
19 performing the powers, duties, and functions transferred are  
20 transferred to the jurisdiction of the state treasurer. All employees  
21 classified under chapter 41.06 RCW, the state civil service law, are  
22 assigned to the state treasurer to perform their usual duties upon  
23 the same terms as formerly, without any loss of rights, subject to  
24 any action that may be appropriate thereafter in accordance with the  
25 laws and rules governing state civil service.

26 (4) All rules and all pending business before the department of  
27 revenue pertaining to the powers, duties, and functions transferred  
28 must be continued and acted upon by the state treasurer. All existing  
29 contracts and obligations remain in full force and must be performed  
30 by the state treasurer.

31 (5) The transfer of the powers, duties, functions, and personnel  
32 of the department of revenue does not affect the validity of any act  
33 performed before the effective date of this section.

34 (6) If apportionments of budgeted funds are required because of  
35 the transfers directed by this section, the director of financial  
36 management must certify the apportionments to the agencies affected,  
37 the state auditor, and the state treasurer. Each of these must make  
38 the appropriate transfer and adjustments in funds and appropriation  
39 accounts and equipment records in accordance with the certification.

1 (7) All classified employees of the department of revenue  
2 assigned to the state treasurer under this section whose positions  
3 are within an existing bargaining unit description at the state  
4 treasurer must become a part of the existing bargaining unit at the  
5 state treasurer and are considered an appropriate inclusion or  
6 modification of the existing bargaining unit under the provisions of  
7 chapter 41.80 RCW.

8 **Sec. 2.** RCW 43.08.010 and 2009 c 549 s 5031 are each amended to  
9 read as follows:

10 The state treasurer (~~(shall)~~) must:

11 (1) Receive and keep all moneys of the state in the manner  
12 provided in RCW 43.88.160, as now or hereafter amended;

13 (2) Disburse the public moneys only upon warrants or checks drawn  
14 upon the state treasurer in the manner provided by law;

15 (3) Account for moneys in the manner provided by law;

16 (4) Render accounts in the manner provided by law;

17 (5) Indorse on each warrant when required by law, the date of  
18 payment, the amount of the principal, and the interest due on that  
19 date;

20 (6) Report annually to the legislature a detailed statement of  
21 the condition of the treasury, and of its operations for the  
22 preceding fiscal year;

23 (7) Give information, in writing, to either house of the  
24 legislature, whenever required, upon any subject connected with the  
25 treasury, or touching any duty of his or her office;

26 (8) Account for and pay over all moneys on hand to his or her  
27 successor in office, and deliver all books, vouchers, and effects of  
28 office to him or her, who (~~(shall)~~) must receipt therefor;

29 (9) Administer the unclaimed property act pursuant to chapter  
30 63.29 RCW; and

31 (10) Upon payment of any warrant, or check, take upon the back  
32 thereof the indorsement of the person to whom it is paid.

33 **Sec. 3.** RCW 63.29.010 and 2012 c 117 s 177 are each reenacted  
34 and amended to read as follows:

35 (~~(As used in this chapter, unless the context otherwise~~  
36 ~~requires:)~~) The definitions in this section apply throughout this  
37 chapter unless the context clearly requires otherwise.

1 (1) "Apparent owner" means the person whose name appears on the  
2 records of the holder as the person entitled to property held,  
3 issued, or owing by the holder.

4 (2) "Attorney general" means the chief legal officer of this  
5 state referred to in chapter 43.10 RCW.

6 (3) "Banking organization" means a bank, trust company, savings  
7 bank, land bank, safe deposit company, private banker, or any  
8 organization defined by other law as a bank or banking organization.

9 (4) "Business association" means a nonpublic corporation, joint  
10 stock company, investment company, business trust, partnership, or  
11 association for business purposes of two or more individuals, whether  
12 or not for profit, including a banking organization, financial  
13 organization, insurance company, or utility.

14 (5) (~~"Department" means the department of revenue established~~  
15 ~~under RCW 82.01.050.~~

16 ~~(6))~~ "Domicile" means the state of incorporation of a  
17 corporation and the state of the principal place of business of an  
18 unincorporated person.

19 ~~((7))~~ (6) "Fare card" means any pass or instrument, and value  
20 contained therein, purchased to utilize public transportation  
21 facilities or services. "Fare card" does not include "gift card" or  
22 "gift certificate" as those terms are defined in RCW 19.240.010.

23 ~~((8))~~ (7) "Financial organization" means a savings and loan  
24 association, cooperative bank, building and loan association, or  
25 credit union.

26 ~~((9))~~ (8) "Gift certificate" has the same meaning as in RCW  
27 19.240.010.

28 ~~((10))~~ (9) "Holder" means a person, wherever organized or  
29 domiciled, who is:

30 (a) In possession of property belonging to another;

31 (b) A trustee; or

32 (c) Indebted to another on an obligation.

33 ~~((11))~~ (10) "Insurance company" means an association,  
34 corporation, fraternal or mutual benefit organization, whether or not  
35 for profit, which is engaged in providing insurance coverage,  
36 including accident, burial, casualty, credit life, contract  
37 performance, dental, fidelity, fire, health, hospitalization,  
38 illness, life (including endowments and annuities), malpractice,  
39 marine, mortgage, surety, and wage protection insurance.

1       (~~(12)~~) (11) "Intangible property" does not include contract  
2 claims which are unliquidated but does include:  
3       (a) Moneys, checks, drafts, deposits, interest, dividends, and  
4 income;  
5       (b) Credit balances, customer overpayments, gift certificates,  
6 security deposits, refunds, credit memos, unpaid wages, unused  
7 airline tickets, and unidentified remittances, but does not include  
8 discounts which represent credit balances for which no consideration  
9 was given;  
10       (c) Stocks, and other intangible ownership interests in business  
11 associations;  
12       (d) Moneys deposited to redeem stocks, bonds, coupons, and other  
13 securities, or to make distributions;  
14       (e) Liquidated amounts due and payable under the terms of  
15 insurance policies; and  
16       (f) Amounts distributable from a trust or custodial fund  
17 established under a plan to provide health, welfare, pension,  
18 vacation, severance, retirement, death, stock purchase, profit  
19 sharing, employee savings, supplemental unemployment insurance, or  
20 similar benefits.  
21       (~~(13)~~) (12) "Last known address" means a description of the  
22 location of the apparent owner sufficient for the purpose of the  
23 delivery of mail.  
24       (~~(14)~~) (13) "Owner" means a depositor in the case of a deposit,  
25 a beneficiary in case of a trust other than a deposit in trust, a  
26 creditor, claimant, or payee in the case of other intangible  
27 property, or a person having a legal or equitable interest in  
28 property subject to this chapter or his or her legal representative.  
29       (~~(15)~~) (14) "Person" means an individual, business association,  
30 state or other government, governmental subdivision or agency, public  
31 corporation, public authority, estate, trust, two or more persons  
32 having a joint or common interest, or any other legal or commercial  
33 entity.  
34       (~~(16)~~) (15) "State" means any state, district, commonwealth,  
35 territory, insular possession, or any other area subject to the  
36 legislative authority of the United States.  
37       (16) "State treasurer" means the office of the state treasurer.  
38       (17) "Third party bank check" means any instrument drawn against  
39 a customer's account with a banking organization or financial

1 organization on which the banking organization or financial  
2 organization is only secondarily liable.

3 (18) "Utility" means a person who owns or operates for public use  
4 any plant, equipment, property, franchise, or license for the  
5 transmission of communications or the production, storage,  
6 transmission, sale, delivery, or furnishing of electricity, water,  
7 steam, or gas.

8 **Sec. 4.** RCW 63.29.030 and 1983 c 179 s 3 are each amended to  
9 read as follows:

10 Unless otherwise provided in this chapter or by other statute of  
11 this state, intangible property is subject to the custody of this  
12 state as unclaimed property if the conditions raising a presumption  
13 of abandonment under RCW 63.29.020 and 63.29.050 through 63.29.160  
14 are satisfied and:

15 (1) The last known address, as shown on the records of the  
16 holder, of the apparent owner is in this state;

17 (2) The records of the holder do not reflect the identity of the  
18 person entitled to the property and it is established that the last  
19 known address of the person entitled to the property is in this  
20 state;

21 (3) The records of the holder do not reflect the last known  
22 address of the apparent owner, and it is established that:

23 (a) The last known address of the person entitled to the property  
24 is in this state, or

25 (b) The holder is a domiciliary or a government or governmental  
26 subdivision or agency of this state and has not previously paid or  
27 delivered the property to the state of the last known address of the  
28 apparent owner or other person entitled to the property;

29 (4) The last known address, as shown on the records of the  
30 holder, of the apparent owner is in a state that does not provide by  
31 law for the escheat or custodial taking of the property or its  
32 escheat or unclaimed property law is not applicable to the property  
33 and the holder is a domiciliary or a government or governmental  
34 subdivision or agency of this state: PROVIDED, That a holder may  
35 rely, with acquittance, upon a list of such states (~~which shall~~)  
36 that must be provided by the (~~department~~) state treasurer;

37 (5) The last known address, as shown on the records of the  
38 holder, of the apparent owner is in a foreign nation and the holder

1 is a domiciliary or a government or governmental subdivision or  
2 agency of this state; or

3 (6) The transaction out of which the property arose occurred in  
4 this state; and

5 (a) (i) The last known address of the apparent owner or other  
6 person entitled to the property is unknown, or

7 (ii) The last known address of the apparent owner or other person  
8 entitled to the property is in a state that does not provide by law  
9 for the escheat or custodial taking of the property or its escheat or  
10 unclaimed property law is not applicable to the property(~~(: PROVIDED,~~  
11 ~~That)~~); however, a holder may rely, with acquittance, upon a list of  
12 such states (~~(which shall)~~) that must be provided by the  
13 (~~(department)~~) state treasurer, and

14 (b) The holder is a domiciliary of a state that does not provide  
15 by law for the escheat or custodial taking of the property or its  
16 escheat or unclaimed property law is not applicable to the property.

17 **Sec. 5.** RCW 63.29.040 and 1983 c 179 s 4 are each amended to  
18 read as follows:

19 (1) Subject to subsection (4) of this section, any sum payable on  
20 a travelers check that has been outstanding for more than fifteen  
21 years after its issuance is presumed abandoned unless the owner,  
22 within fifteen years, has communicated in writing with the issuer  
23 concerning it or otherwise indicated an interest as evidenced by a  
24 memorandum or other record on file prepared by an employee of the  
25 issuer.

26 (2) Subject to subsection (4) of this section, any sum payable on  
27 a money order or similar written instrument, other than a third party  
28 bank check, that has been outstanding for more than five years after  
29 its issuance is presumed abandoned unless the owner, within five  
30 years, has communicated in writing with the issuer concerning it or  
31 otherwise indicated an interest as evidenced by a memorandum or other  
32 record on file prepared by an employee of the issuer.

33 (3) A holder may not deduct from the amount of a travelers check  
34 or money order any charge imposed by reason of the failure to present  
35 the instrument for payment unless there is a valid and enforceable  
36 written contract between the issuer and the owner of the instrument  
37 pursuant to which the issuer may impose a charge and the issuer  
38 regularly imposes such charges and does not regularly reverse or  
39 otherwise cancel them.

1 (4) No sum payable on a travelers check, money order, or similar  
2 written instrument, other than a third party bank check, described in  
3 subsections (1) and (2) of this section may be subjected to the  
4 custody of this state as unclaimed property unless:

5 (a) The records of the issuer show that the travelers check,  
6 money order, or similar written instrument was purchased in this  
7 state;

8 (b) The issuer has its principal place of business in this state  
9 and the records of the issuer do not show the state in which the  
10 travelers check, money order, or similar written instrument was  
11 purchased; or

12 (c) The issuer has its principal place of business in this state,  
13 the records of the issuer show the state in which the travelers  
14 check, money order, or similar written instrument was purchased and  
15 the laws of the state of purchase do not provide for the escheat or  
16 custodial taking of the property or its escheat or unclaimed property  
17 law is not applicable to the property. The ~~((department shall))~~ state  
18 treasurer must provide to the issuer a list of all such states and  
19 the issuer may rely with acquittance upon such list.

20 (5) Notwithstanding any other provision of this chapter,  
21 subsection (4) of this section applies to sums payable on travelers  
22 checks, money orders, and similar written instruments presumed  
23 abandoned on or after February 1, 1965, except to the extent that  
24 those sums have been paid over to a state.

25 **Sec. 6.** RCW 63.29.135 and 1990 2nd ex.s. c 1 s 301 are each  
26 amended to read as follows:

27 A local government holding abandoned intangible property that is  
28 not forwarded to the ~~((department of revenue))~~ state treasurer, as  
29 authorized under RCW 63.29.190, ~~((shall))~~ may not be required to  
30 maintain current records of this property for longer than five years  
31 after the property is presumed to be abandoned, and at that time may  
32 archive records of this intangible property and transfer the  
33 intangible property to its general fund. However, the local  
34 government ~~((shall))~~ remains liable to pay the intangible property to  
35 a person or entity subsequently establishing its ownership of this  
36 intangible property.

37 **Sec. 7.** RCW 63.29.170 and 2015 3rd sp.s. c 6 s 2103 are each  
38 amended to read as follows:



1 (1) A person holding property presumed abandoned and subject to  
2 custody as unclaimed property under this chapter must report to the  
3 (~~department~~) state treasurer concerning the property as provided in  
4 this section.

5 (2) The report must be verified and must include:

6 (a) Except with respect to travelers checks and money orders, the  
7 name, if known, and last known address, if any, of each person  
8 appearing from the records of the holder to be the owner of property  
9 with a value of more than fifty dollars presumed abandoned under this  
10 chapter;

11 (b) In the case of unclaimed funds of more than fifty dollars  
12 held or owing under any life or endowment insurance policy or annuity  
13 contract, the full name and last known address of the insured or  
14 annuitant and of the beneficiary according to the records of the  
15 insurance company holding or owing the funds;

16 (c) In the case of the contents of a safe deposit box or other  
17 safekeeping repository or in the case of other tangible property, a  
18 description of the property and the place where it is held and where  
19 it may be inspected by the (~~department~~) state treasurer, and any  
20 amounts owing to the holder;

21 (d) The nature and identifying number, if any, or description of  
22 the property and the amount appearing from the records to be due, but  
23 items with a value of fifty dollars or less each may be reported in  
24 the aggregate;

25 (e) The date the property became payable, demandable, or  
26 returnable, and the date of the last transaction with the apparent  
27 owner with respect to the property; and

28 (f) Other information the (~~department~~) state treasurer  
29 prescribes by rule as necessary for the administration of this  
30 chapter.

31 (3) If the person holding property presumed abandoned and subject  
32 to custody as unclaimed property is a successor to other persons who  
33 previously held the property for the apparent owner or the holder has  
34 changed his or her name while holding the property, the holder  
35 (~~shall~~) must file with the report all known names and addresses of  
36 each previous holder of the property.

37 (4) The report must be filed before November 1st of each year and  
38 (~~shall~~) must include, except as provided in RCW 63.29.140(3), all  
39 property presumed abandoned and subject to custody as unclaimed  
40 property under this chapter that is in the holder's possession as of

1 the preceding June 30th. On written request by any person required to  
2 file a report, the ((department)) state treasurer may postpone the  
3 reporting date.

4 (5)(a) Beginning July 1, 2016, reports due under this section  
5 must be filed electronically in a form or manner provided or  
6 authorized by the ((department)) state treasurer. However, the  
7 ((department)) state treasurer, upon request or its own initiative,  
8 may relieve any holder or class of holders from the electronic filing  
9 requirement under this subsection for good cause as determined by the  
10 ((department)) state treasurer.

11 (b) For purposes of this subsection, "good cause" means:

12 (i) A circumstance or condition exists that, in the  
13 ((department's)) state treasurer's judgment, prevents the holder from  
14 electronically filing the report due under this section; or

15 (ii) The ((department)) state treasurer determines that relief  
16 from the electronic filing requirement under this subsection supports  
17 the efficient or effective administration of this chapter.

18 (6) After May 1st, but before August 1st, of each year in which a  
19 report is required by this section, the holder in possession of  
20 property presumed abandoned and subject to custody as unclaimed  
21 property under this chapter must send written notice to the apparent  
22 owner at the last known address informing him or her that the holder  
23 is in possession of property subject to this chapter if:

24 (a) The holder has in its records an address for the apparent  
25 owner which the holder's records do not disclose to be inaccurate;

26 (b) The claim of the apparent owner is not barred by the statute  
27 of limitations; and

28 (c) The property has a value of more than seventy-five dollars.

29 **Sec. 8.** RCW 63.29.180 and 2015 3rd sp.s. c 6 s 2104 are each  
30 amended to read as follows:

31 (1) The ((department)) state treasurer must cause a notice to be  
32 published not later than November 1st, immediately following the  
33 report required by RCW 63.29.170 in the printed or online version of  
34 a newspaper of general circulation within this state, which the  
35 ((department)) state treasurer determines is most likely to give  
36 notice to the apparent owner of the property.

37 (2) The published notice must be entitled "Notice to Owners of  
38 Unclaimed Property" and contain a summary explanation of how owners

1 may obtain information about unclaimed property reported to the  
2 ((department)) state treasurer.

3 (3) Not later than September 1st, immediately following the  
4 report required by RCW 63.29.170, the ((department)) state treasurer  
5 must mail a notice to each person whose last known address is listed  
6 in the report and who appears to be entitled to property with a value  
7 of more than seventy-five dollars presumed abandoned under this  
8 chapter and any beneficiary of a life or endowment insurance policy  
9 or annuity contract for whom the ((department)) state treasurer has a  
10 last known address. The ((department)) state treasurer is not  
11 required to mail notice under this subsection if the address listed  
12 in the report appears to the ((department)) state treasurer to be  
13 insufficient for the purpose of the delivery of mail.

14 (4) The mailed notice must contain:

15 (a) A statement that, according to a report filed with the  
16 ((department)) state treasurer, property is being held to which the  
17 addressee appears entitled; and

18 (b) The name of the person reporting the property and the type of  
19 property described in the report.

20 (5) This section is not applicable to sums payable on travelers  
21 checks, money orders, and other written instruments presumed  
22 abandoned under RCW 63.29.040.

23 **Sec. 9.** RCW 63.29.190 and 2015 3rd sp.s. c 6 s 2105 are each  
24 amended to read as follows:

25 (1)(a) Except as otherwise provided in subsections (2) and (3) of  
26 this section, a person who is required to file a report under RCW  
27 63.29.170 must pay or deliver to the ((department)) state treasurer  
28 all abandoned property required to be reported at the time of filing  
29 the report. Beginning July 1, 2016, holders who are required to file  
30 a report electronically under this chapter must remit payments under  
31 this section by electronic funds transfer or other form of electronic  
32 payment acceptable to the ((department)) state treasurer. However,  
33 the ((department)) state treasurer, upon request or its own  
34 initiative, may relieve any holder or class of holders from the  
35 electronic payment requirement under this subsection for good cause  
36 as determined by the ((department)) state treasurer.

37 (b) For purposes of this subsection, "good cause" means:

1 (i) A circumstance or condition exists that, in the  
2 (~~department's~~) state treasurer's judgment, prevents the holder from  
3 remitting payments due under this section electronically; or

4 (ii) The (~~department~~) state treasurer determines that relief  
5 from the electronic payment requirement under this subsection  
6 supports the efficient or effective administration of this chapter.

7 (2)(a) Counties, cities, towns, and other municipal and quasi-  
8 municipal corporations that hold funds representing warrants canceled  
9 pursuant to RCW 36.22.100 and 39.56.040, uncashed checks, and  
10 property tax overpayments or refunds may retain the funds until the  
11 owner notifies them and establishes ownership as provided in RCW  
12 63.29.135. Counties, cities, towns, or other municipal or quasi-  
13 municipal corporations must provide to the (~~department~~) state  
14 treasurer a report of property it is holding pursuant to this  
15 section. The report must identify the property and owner in the  
16 manner provided in RCW 63.29.170 and the (~~department~~) state  
17 treasurer must publish the information as provided in RCW 63.29.180.

18 (b)(i) A public transportation authority that holds funds  
19 representing value on abandoned fare cards may retain the funds until  
20 the owner notifies the authority and establishes ownership as  
21 provided in RCW 63.29.135.

22 (ii) For the purposes of this subsection (2)(b), "public  
23 transportation authority" means a municipality, as defined in RCW  
24 35.58.272, a regional transit authority authorized by chapter 81.112  
25 RCW, a public mass transportation system authorized by chapter 47.60  
26 RCW, or a city transportation authority authorized by chapter 35.95A  
27 RCW.

28 (3)(a) The contents of a safe deposit box or other safekeeping  
29 repository presumed abandoned under RCW 63.29.160 and reported under  
30 RCW 63.29.170 must be paid or delivered to the (~~department~~) state  
31 treasurer within six months after the final date for filing the  
32 report required by RCW 63.29.170.

33 (b) If the owner establishes the right to receive the abandoned  
34 property to the satisfaction of the holder before the property has  
35 been delivered or it appears that for some other reason the  
36 presumption of abandonment is erroneous, the holder need not pay or  
37 deliver the property to the (~~department~~) state treasurer, and the  
38 property will no longer be presumed abandoned. In that case, the  
39 holder must file with the (~~department~~) state treasurer a verified

1 written explanation of the proof of claim or of the error in the  
2 presumption of abandonment.

3 (4) The holder of an interest under RCW 63.29.100 must deliver a  
4 duplicate certificate or other evidence of ownership if the holder  
5 does not issue certificates of ownership to the ((~~department~~)) state  
6 treasurer. Upon delivery of a duplicate certificate to the  
7 ((~~department~~)) state treasurer, the holder and any transfer agent,  
8 registrar, or other person acting for or on behalf of a holder in  
9 executing or delivering the duplicate certificate is relieved of all  
10 liability of every kind in accordance with RCW 63.29.200 to every  
11 person, including any person acquiring the original certificate or  
12 the duplicate of the certificate issued to the ((~~department~~)) state  
13 treasurer, for any losses or damages resulting to any person by the  
14 issuance and delivery to the ((~~department~~)) state treasurer of the  
15 duplicate certificate.

16 **Sec. 10.** RCW 63.29.192 and 2015 3rd sp.s. c 6 s 2110 are each  
17 amended to read as follows:

18 (1)(a) If, upon receipt of an application by a holder for a  
19 refund or return of property, or upon an examination of the report or  
20 records of any holder, it is determined by the ((~~department~~)) state  
21 treasurer that any amount, interest, or penalty has been paid in  
22 excess of that properly due under this chapter or that any property  
23 was delivered to the ((~~department~~)) state treasurer under this  
24 chapter in error, then with the exception of amounts delivered by the  
25 ((~~department~~)) state treasurer to a claimant under RCW 63.29.240, the  
26 excess amount must be refunded to the holder, or the property  
27 delivered in error returned to the holder, as the case may be.

28 (b)(i) Except as otherwise provided in RCW 63.29.200(2) or this  
29 section, no refund or return of property may be made for any amount  
30 or property paid or delivered, or for any interest or penalty paid,  
31 more than six years after the end of the calendar year in which the  
32 payment or delivery occurred.

33 (ii) The expiration of the limitations period in this subsection  
34 will not bar a refund or the return of property if a complete  
35 application for such refund or return of property was received by the  
36 ((~~department~~)) state treasurer before the expiration of such  
37 limitations period.

38 (2) The execution of a written waiver signed by the holder and  
39 the ((~~department~~)) state treasurer will extend the time for making a

1 refund of any amounts paid, or a return of property delivered in  
2 error, during, or attributable to, the years covered by the waiver  
3 if, prior to the expiration of the waiver period, a complete  
4 application for refund or return of such amounts or property is made  
5 by the holder or the ((department)) state treasurer discovers a  
6 refund is due or a return of property under this section is required.

7 (3) For purposes of subsections (1) and (2) of this section, an  
8 application for a refund or return of property is complete if it  
9 includes information the ((department)) state treasurer deems  
10 sufficient to substantiate the holder's claim for a refund or return  
11 of property. If the ((department)) state treasurer receives an  
12 incomplete application before the expiration of the limitations  
13 period in subsection (1)(b)(i) of this section or before the  
14 expiration of an applicable waiver period as authorized under  
15 subsection (2) of this section, the ((department)) state treasurer  
16 must provide the holder written notice of the deficiencies of  
17 information in the application and grant the holder thirty days from  
18 the date of such notice to provide sufficient documentation to  
19 substantiate the holder's claim for a refund or return of property.  
20 The ((department)) state treasurer may, at its sole discretion, grant  
21 a holder up to an additional ninety days to substantiate its claim  
22 and specify in a written notice the expiration date of such  
23 additional period. If the holder provides sufficient substantiation  
24 documentation to the ((department)) state treasurer within the  
25 additional time granted but after the expiration of the limitations  
26 period in subsection (1)(b)(i) of this section or an applicable  
27 waiver period as authorized under subsection (2) of this section, the  
28 holder will be deemed to have provided a complete application before  
29 the expiration of such limitations or waiver period. This subsection  
30 (3) may not be interpreted as governing the administration of  
31 applications for refund or return of property other than for purposes  
32 of the limitations period established in this section.

33 (4) Any such refunds must be made by means of vouchers approved  
34 by the ((department)) state treasurer and by the issuance of state  
35 warrants drawn upon and payable from such funds as the legislature  
36 may provide. However, persons who are required to pay amounts due  
37 under this chapter electronically must have any refunds paid by  
38 electronic funds transfer if the ((department)) state treasurer has  
39 the necessary account information to facilitate a refund by  
40 electronic funds transfer.

1 (5) Any judgment for which a recovery is granted by any court of  
2 competent jurisdiction, not appealed from, for amounts, penalties, or  
3 interest paid by the holder, and costs, in a suit by any holder must  
4 be paid in the same manner, as provided in subsection (4) of this  
5 section, upon the filing with the ((department)) state treasurer of a  
6 certified copy of the order or judgment of the court.

7 (6) Interest at the rate computed under RCW 82.32.050(2) must be  
8 added to the amount of any refund allowed by the ((department)) state  
9 treasurer or any court. Interest must be computed from the date the  
10 ((department)) state treasurer received the excess payment, until the  
11 date the refund is issued.

12 **Sec. 11.** RCW 63.29.193 and 2015 3rd sp.s. c 6 s 2111 are each  
13 amended to read as follows:

14 Any person having been issued an assessment by the ((department))  
15 state treasurer, or a denial of an application for a refund or return  
16 of property, under the provisions of this chapter is entitled to a  
17 review by the ((department)) state treasurer conducted in accordance  
18 with the provisions of RCW 34.05.410 through 34.05.494, subject to  
19 judicial review under RCW 34.05.510 through 34.05.598. A petition for  
20 review under this section is timely if received in writing by the  
21 ((department)) state treasurer before the due date of the assessment,  
22 including any extension of the due date granted by the ((department))  
23 state treasurer, or in the case of a refund or return application,  
24 thirty days after the ((department)) state treasurer rejects the  
25 application in writing, regardless of any subsequent action by the  
26 ((department)) state treasurer to reconsider its initial decision.  
27 The period for filing a petition for review under this section may be  
28 extended as provided in a rule adopted by the ((department)) state  
29 treasurer under chapter 34.05 RCW or upon a written agreement signed  
30 by the holder and the ((department)) state treasurer.

31 **Sec. 12.** RCW 63.29.194 and 2015 3rd sp.s. c 6 s 2112 are each  
32 amended to read as follows:

33 (1) Any person who has paid or delivered property to the  
34 ((department)) state treasurer under the provisions of this chapter,  
35 except one who has failed to keep and preserve records as required in  
36 this chapter, feeling aggrieved by such payment or delivery, may  
37 appeal to the superior court of Thurston county. The person filing a

1 notice of appeal under this section is deemed the plaintiff, and the  
2 ((department)) state treasurer, the defendant.

3 (2) An appeal under this section must be made within:

4 (a) The time limitation for a refund provided in RCW 63.29.192;  
5 or

6 (b) Thirty days after the ((department)) state treasurer rejects  
7 in writing an application for refund or return of property,  
8 regardless of any subsequent action by the ((department)) state  
9 treasurer to reconsider its initial decision, if:

10 (i) An application for refund or return of property has been made  
11 to the ((department)) state treasurer within the time limitation  
12 provided in (a) of this subsection (2) or the limitation provided in  
13 RCW 63.29.200(2), as applicable; and

14 (ii) The time limitation provided under this subsection (2)(b) is  
15 later than the time limitation provided in (a) of this subsection  
16 (2).

17 (3)(a) In an appeal filed under this section, the plaintiff must  
18 set forth the amount or property, if any, payable or deliverable on  
19 the report or assessment that the plaintiff is contesting, which the  
20 holder concedes to be the correct amount payable or deliverable, and  
21 the reason why the amount payable or deliverable should be reduced or  
22 abated.

23 (b) The appeal is perfected only by serving a copy of the notice  
24 of appeal upon the ((department)) state treasurer and filing the  
25 original with proof of service with the clerk of the superior court  
26 of Thurston county, within the time specified in subsection (2) of  
27 this section.

28 (4)(a) The trial in the superior court on appeal must be de novo  
29 and without the necessity of any pleadings other than the notice of  
30 appeal. At trial, the burden is on the plaintiff to (i) prove that  
31 the amount paid by that person is incorrect, either in whole or in  
32 part, or the property in question was delivered in error to the  
33 ((department)) state treasurer, and (ii) establish the correct amount  
34 payable or the property required to be delivered to the  
35 ((department)) state treasurer, if any.

36 (b) Both parties are entitled to subpoena the attendance of  
37 witnesses as in other civil actions and to produce evidence that is  
38 competent, relevant, and material to determine the correct amount  
39 due, if any, that should be paid by the plaintiff.



1 (c) Either party may seek appellate review in the same manner as  
2 other civil actions are appealed to the appellate courts.

3 (5) An appeal may be maintained under this section without the  
4 need for the plaintiff to first:

5 (a) Protest against the payment of any amount due or reportable  
6 under this chapter or to make any demand to have such amount refunded  
7 or returned; or

8 (b) Petition the ((department)) state treasurer for a refund,  
9 return of property, or a review of its action as authorized in RCW  
10 63.29.193.

11 (6) No court action or proceeding of any kind may be maintained  
12 by the plaintiff to recover any amount paid, delivered, or reported  
13 to the ((department)) state treasurer under this chapter, except as  
14 provided in this section or as may be available to the plaintiff  
15 under RCW 34.05.510 through 34.05.598.

16 (7) No appeal may be maintained under this section with respect  
17 to matters reviewed by the ((department)) state treasurer under the  
18 provisions of chapter 34.05 RCW.

19 **Sec. 13.** RCW 63.29.195 and 2015 3rd sp.s. c 6 s 2113 are each  
20 amended to read as follows:

21 (1) The ((department)) state treasurer may enter into an  
22 agreement in writing with any holder with respect to any duties under  
23 this chapter or any property or amounts due under this chapter,  
24 including penalties and interest.

25 (2) Upon its execution by all parties, the agreement is final and  
26 conclusive as to the periods, property, and any other matters  
27 expressly covered by the agreement. Except upon a showing of fraud or  
28 malfeasance, or of misrepresentation of a material fact:

29 (a) The agreement may not be reopened as to the matters agreed  
30 upon, nor may the agreement be modified, by any officer, employee, or  
31 agent of the state, or the holder; and

32 (b) In any suit, action, or proceeding, such agreement, or any  
33 determination, assessment, collection, payment, abatement, or refund,  
34 or credit made in accordance with the agreement, may not be annulled,  
35 modified, set aside, or disregarded.

36 (3) No agreement under this section may affect a holder's  
37 obligations to an owner or an owner's rights against a holder, except  
38 as expressly provided in RCW 63.29.200.

1 (4) No agreement under this section may include any  
2 indemnification of any holder for amounts or property that has not  
3 been paid or delivered to the ((department)) state treasurer. Nothing  
4 in this subsection (4) may be construed to affect the finality and  
5 conclusiveness of any agreement under this section to the extent  
6 provided in subsection (2) of this section.

7 **Sec. 14.** RCW 63.29.200 and 2012 c 117 s 180 are each amended to  
8 read as follows:

9 (1) Upon the payment or delivery of property to the  
10 ((department)) state treasurer, the state assumes custody and  
11 responsibility for the safekeeping of the property. A person who pays  
12 or delivers property to the ((department)) state treasurer in good  
13 faith is relieved of all liability to the extent of the value of the  
14 property paid or delivered for any claim then existing or which  
15 thereafter may arise or be made in respect to the property.

16 (2) A holder who has paid money to the ((department)) state  
17 treasurer pursuant to this chapter may make payment to any person  
18 appearing to the holder to be entitled to payment and, upon filing  
19 proof of payment and proof that the payee was entitled thereto, the  
20 ((department—shall)) state treasurer must promptly reimburse the  
21 holder for the payment without imposing any fee or other charge. If  
22 reimbursement is sought for a payment made on an instrument,  
23 including a travelers check or money order, the holder must be  
24 reimbursed under this subsection upon filing proof that the  
25 instrument was duly presented and that payment was made to a person  
26 who appeared to the holder to be entitled to payment. The holder must  
27 be reimbursed for payment made under this subsection even if the  
28 payment was made to a person whose claim was barred under RCW  
29 63.29.290(1).

30 (3) A holder who has delivered property (including a certificate  
31 of any interest in a business association) other than money to the  
32 ((department)) state treasurer pursuant to this chapter may reclaim  
33 the property if still in the possession of the ((department)) state  
34 treasurer, without paying any fee or other charge, upon filing proof  
35 that the owner has claimed the property from the holder.

36 (4) The ((department)) state treasurer may accept the holder's  
37 affidavit as sufficient proof of the facts that entitle the holder to  
38 recover money and property under this section.

1 (5) If the holder pays or delivers property to the ((department))  
2 state treasurer in good faith and thereafter another person claims  
3 the property from the holder or another state claims the money or  
4 property under its laws relating to escheat or abandoned or unclaimed  
5 property, the ((department)) state treasurer, upon written notice of  
6 the claim, ((shall)) must defend the holder against the claim and  
7 indemnify the holder against any liability on the claim.

8 (6) For the purposes of this section, "good faith" means that:

9 (a) Payment or delivery was made in a reasonable attempt to  
10 comply with this chapter;

11 (b) The person delivering the property was not a fiduciary then  
12 in breach of trust in respect to the property and had a reasonable  
13 basis for believing, based on the facts then known to him or her,  
14 that the property was abandoned for the purposes of this chapter; and

15 (c) There is no showing that the records pursuant to which the  
16 delivery was made did not meet reasonable commercial standards of  
17 practice in the industry.

18 (7) Property removed from a safe deposit box or other safekeeping  
19 repository is received by the ((department)) state treasurer subject  
20 to the holder's right under this subsection to be reimbursed for the  
21 actual cost of the opening and to any valid lien or contract  
22 providing for the holder to be reimbursed for unpaid rent or storage  
23 charges. The ((department shall)) state treasurer must reimburse or  
24 pay the holder out of the proceeds remaining after deducting the  
25 ((department's)) state treasurer's selling cost. The liability of the  
26 ((department)) state treasurer for this reimbursement to the holder  
27 ((shall be)) is limited to the proceeds of the sale of the property  
28 remaining after the deduction of the ((department's)) state  
29 treasurer's costs.

30 **Sec. 15.** RCW 63.29.210 and 1983 c 179 s 21 are each amended to  
31 read as follows:

32 Whenever property other than money is paid or delivered to the  
33 ((department)) state treasurer under this chapter, the owner is  
34 entitled to receive from the ((department)) state treasurer any  
35 dividends, interest, or other increments realized or accruing on the  
36 property at or before liquidation or conversion thereof into money.

37 **Sec. 16.** RCW 63.29.220 and 2011 2nd sp.s. c 8 s 1 are each  
38 amended to read as follows:

1 (1) Except as otherwise provided in this section, the  
2 ((department)) state treasurer, within five years after the receipt  
3 of abandoned property, must sell it to the highest bidder at public  
4 sale in whatever city in the state affords in the judgment of the  
5 ((department)) state treasurer the most favorable market for the  
6 property involved. The ((department)) state treasurer may decline the  
7 highest bid and reoffer the property for sale if, in the judgment of  
8 the ((department)) state treasurer, the bid is insufficient. If, in  
9 the judgment of the ((department)) state treasurer, the probable cost  
10 of sale exceeds the value of the property, it need not be offered for  
11 sale. Any sale held under this subsection must be preceded by a  
12 single publication of notice, at least three weeks in advance of  
13 sale, in a newspaper of general circulation in the county in which  
14 the property is to be sold.

15 (2)(a) Except as otherwise provided in this subsection (2)(a),  
16 the ((department)) state treasurer must sell all securities delivered  
17 to the ((department)) state treasurer as required by this chapter as  
18 soon as practicable, in the judgment of the ((department)) state  
19 treasurer, after receipt by the ((department)) state treasurer.  
20 However, this subsection does not apply with respect to any  
21 securities that, in the judgment of the ((department)) state  
22 treasurer, cannot be sold, are worthless, or are not cost-effective  
23 to sell.

24 (b) Securities listed on an established stock exchange must be  
25 sold at prices prevailing at the time of sale on the exchange. Other  
26 securities may be sold over the counter at prices prevailing at the  
27 time of sale or by any other method the ((department)) state  
28 treasurer considers advisable. All securities may be sold over the  
29 counter at prices prevailing at the time of the sale, or by any other  
30 method the ((department)) state treasurer deems advisable.

31 (c)(i) Except as otherwise provided in this subsection (2)(c), a  
32 person making a claim under this chapter with respect to securities  
33 is only entitled to receive the proceeds received from sale, less any  
34 amounts deducted pursuant to RCW 63.29.230(2), even if the sale of  
35 the securities has not been completed at the time the ((department))  
36 state treasurer receives the claim. However, if the ((department))  
37 state treasurer receives a claim for securities and the  
38 ((department)) state treasurer has not ordered those securities to be  
39 sold as of the time the claim is received by the ((department)) state  
40 treasurer, the claimant is entitled to receive either the securities

1 delivered to the ((department)) state treasurer by the holder, or the  
2 proceeds received from the sale, less any amounts deducted pursuant  
3 to RCW 63.29.230(2).

4 (ii) With respect to securities that, in the judgment of the  
5 ((department)) state treasurer, cannot be sold or are not cost-  
6 effective to sell and that remain in the possession of the  
7 ((department)) state treasurer, a person making a claim under this  
8 chapter is only entitled to receive the securities delivered to the  
9 ((department)) state treasurer by the holder.

10 (d) No person has any claim under this chapter against the state,  
11 the holder, any transfer agent, registrar, or other person acting for  
12 or on behalf of a holder for or on account of any appreciation or  
13 depreciation in the value of the property occurring after delivery by  
14 the holder to the ((department)) state treasurer.

15 (3) The purchaser of property at any sale conducted by the  
16 ((department)) state treasurer pursuant to this chapter takes the  
17 property free of all claims of the owner or previous holder thereof  
18 and of all persons claiming through or under them. The ((department))  
19 state treasurer must execute all documents necessary to complete the  
20 transfer of ownership.

21 **Sec. 17.** RCW 63.29.230 and 1983 c 179 s 23 are each amended to  
22 read as follows:

23 (1) Except as otherwise provided by this section, the  
24 ((department—shall)) state treasurer must promptly deposit in the  
25 general fund of this state all funds received under this chapter,  
26 including the proceeds from the sale of abandoned property under RCW  
27 63.29.220. The ((department—shall)) state treasurer must retain in a  
28 separate trust fund an amount not less than two hundred fifty  
29 thousand dollars from which prompt payment of claims duly allowed  
30 must be made by the ((department)) state treasurer. Before making the  
31 deposit, the ((department—shall)) state treasurer must record the  
32 name and last known address of each person appearing from the  
33 holders' reports to be entitled to the property and the name and last  
34 known address of each insured person or annuitant and beneficiary and  
35 with respect to each policy or contract listed in the report of an  
36 insurance company its number, and the name of the company. The record  
37 must be available for public inspection at all reasonable business  
38 hours.

1 (2) The (~~department of revenue~~) state treasurer may pay from  
2 the trust fund provided in subsection (1) of this section any costs  
3 of administering this chapter.

4 **Sec. 18.** RCW 63.29.240 and 2011 2nd sp.s. c 8 s 2 are each  
5 amended to read as follows:

6 (1) A person, excluding another state, claiming an interest in  
7 any property paid or delivered to the (~~department~~) state treasurer  
8 may file with it a claim on a form prescribed by it and verified by  
9 the claimant.

10 (2) The (~~department~~) state treasurer must consider each claim  
11 within ninety days after it is filed and give written notice to the  
12 claimant if the claim is denied in whole or in part. The notice may  
13 be given by mailing it to the last address, if any, stated in the  
14 claim as the address to which notices are to be sent. If no address  
15 for notices is stated in the claim, the notice may be mailed to the  
16 last address, if any, of the claimant as stated in the claim. No  
17 notice of denial need be given if the claim fails to state either the  
18 last address to which notices are to be sent or the address of the  
19 claimant.

20 (3)(a) If a claim is allowed, the (~~department~~) state treasurer  
21 must pay over or deliver to the claimant the property or the amount  
22 the (~~department~~) state treasurer actually received or the net  
23 proceeds if it has been sold by the (~~department~~) state treasurer,  
24 together with any additional amount required by RCW 63.29.210.  
25 Nothing in this subsection (3)(a) may be construed to modify RCW  
26 63.29.220(2)(c).

27 (b) If the property claimed was interest-bearing to the owner on  
28 the date of surrender by the holder, the (~~department~~) state  
29 treasurer also must pay interest at the legal rate or any lesser rate  
30 the property earned while in the possession of the holder. Interest  
31 begins to accrue when the property is delivered to the (~~department~~)  
32 state treasurer and ceases on the earlier of the expiration of ten  
33 years after delivery or the date on which payment is made to the  
34 owner. No interest on interest-bearing property is payable for any  
35 period before June 30, 1983.

36 (4) Any holder who pays the owner for property that has been  
37 delivered to the state and which, if claimed from the (~~department~~)  
38 state treasurer, would be subject to subsection (3) of this section  
39 must add interest as provided in subsection (3) of this section. The

1 added interest must be repaid to the holder by the ((department))  
2 state treasurer in the same manner as the principal.

3 **Sec. 19.** RCW 63.29.250 and 1983 c 179 s 25 are each amended to  
4 read as follows:

5 (1) At any time after property has been paid or delivered to the  
6 ((department)) state treasurer under this chapter another state may  
7 recover the property if:

8 (a) The property was subjected to custody by this state because  
9 the records of the holder did not reflect the last known address of  
10 the apparent owner when the property was presumed abandoned under  
11 this chapter, and the other state establishes that the last known  
12 address of the apparent owner or other person entitled to the  
13 property was in that state and under the laws of that state the  
14 property escheated to or was subject to a claim of abandonment by  
15 that state;

16 (b) The last known address of the apparent owner or other person  
17 entitled to the property, as reflected by the records of the holder,  
18 is in the other state and under the laws of that state the property  
19 has escheated to or become subject to a claim of abandonment by that  
20 state;

21 (c) The records of the holder were erroneous in that they did not  
22 accurately reflect the actual owner of the property and the last  
23 known address of the actual owner is in the other state and under the  
24 laws of that state the property escheated to or was subject to a  
25 claim of abandonment by that state;

26 (d) The property was subjected to custody by this state under RCW  
27 63.29.030(6) and under the laws of the state of domicile of the  
28 holder the property has escheated to or become subject to a claim of  
29 abandonment by that state; or

30 (e) The property is the sum payable on a travelers check, money  
31 order, or other similar instrument that was subjected to custody by  
32 this state under RCW 63.29.040, and the instrument was purchased in  
33 the other state, and under the laws of that state the property  
34 escheated to or became subject to a claim of abandonment by that  
35 state.

36 (2) The claim of another state to recover escheated or abandoned  
37 property must be presented in a form prescribed by the ((department,  
38 ~~who shall~~)) state treasurer, which must decide the claim within  
39 ninety days after it is presented. The ((department shall)) state

1 treasurer must allow the claim if it determines that the other state  
2 is entitled to the abandoned property under subsection (1) of this  
3 section.

4 (3) The (~~department shall~~) state treasurer must require a  
5 state, before recovering property under this section, to agree to  
6 indemnify this state and its officers and employees against any  
7 liability on a claim for the property.

8 **Sec. 20.** RCW 63.29.260 and 1983 c 179 s 26 are each amended to  
9 read as follows:

10 A person aggrieved by a decision of the (~~department~~) state  
11 treasurer or whose claim has not been acted upon within ninety days  
12 after its filing may bring an action to establish the claim in the  
13 superior court of Thurston county naming the (~~department~~) state  
14 treasurer as a defendant. The action must be brought within ninety  
15 days after the decision of the (~~department~~) state treasurer or  
16 within one hundred eighty days after the filing of the claim if the  
17 (~~department~~) state treasurer has failed to act on it.

18 **Sec. 21.** RCW 63.29.270 and 1983 c 179 s 27 are each amended to  
19 read as follows:

20 (1) The (~~department~~) state treasurer may decline to receive any  
21 property reported under this chapter which it considers to have a  
22 value less than the expense of giving notice and of sale. If the  
23 (~~department~~) state treasurer elects not to receive custody of the  
24 property, the holder (~~shall~~) must be notified within one hundred  
25 twenty days after filing the report required under RCW 63.29.170. The  
26 holder then may dispose of the property in such manner as it sees  
27 fit. No action or proceeding may be maintained against the holder for  
28 or on account of any action taken by the holder pursuant to this  
29 subsection with respect to the property.

30 (2) A holder, with the written consent of the (~~department~~)  
31 state treasurer and upon conditions and terms prescribed by it, may  
32 report and deliver property before the property is presumed  
33 abandoned. Property delivered under this subsection must be held by  
34 the (~~department~~) state treasurer and is not presumed abandoned  
35 until such time as it otherwise would be presumed abandoned under  
36 this chapter.



1       **Sec. 22.** RCW 63.29.280 and 2005 c 367 s 5 are each amended to  
2 read as follows:

3       If the ((department)) state treasurer determines after  
4 investigation that any property delivered under this chapter has  
5 insubstantial commercial value, the ((department)) state treasurer  
6 may destroy or otherwise dispose of the property at any time. No  
7 action or proceeding may be maintained against the state or any  
8 officer or against the holder for or on account of any action taken  
9 by the ((department)) state treasurer pursuant to this section.  
10 Original documents ((which the department)) that the state treasurer  
11 has identified to be destroyed and which have legal significance or  
12 historical interest may be surrendered to the state historical museum  
13 or to the state library.

14       **Sec. 23.** RCW 63.29.290 and 2015 3rd sp.s. c 6 s 2106 are each  
15 amended to read as follows:

16       (1) The expiration, after September 1, 1979, of any period of  
17 time specified by contract, statute, or court order, during which a  
18 claim for money or property can be made or during which an action or  
19 proceeding may be commenced or enforced to obtain payment of a claim  
20 for money or to recover property, does not prevent the money or  
21 property from being presumed abandoned or affect any duty to file a  
22 report or to pay or deliver abandoned property to the ((department))  
23 state treasurer as required by this chapter.

24       (2) Except as otherwise provided in this section, no action or  
25 proceeding may be commenced by the ((department)) state treasurer  
26 with respect to any duty of a holder under this chapter more than six  
27 years after the duty arose.

28       (3) No action or proceeding may be commenced by the  
29 ((department)) state treasurer with respect to any assessment under  
30 this chapter more than three years after the later of (a) the due  
31 date for payment of the assessment including any extension granted by  
32 the ((department)) state treasurer or (b) thirty days after the final  
33 decision on any petition for review under RCW 63.29.193.

34       **Sec. 24.** RCW 63.29.300 and 2015 3rd sp.s. c 6 s 2107 are each  
35 amended to read as follows:

36       (1) The ((department)) state treasurer may require any person who  
37 has not filed a report to file a verified report stating whether or  
38 not the person is holding any unclaimed property reportable or

1 deliverable under this chapter. Nothing in this chapter requires  
2 reporting of property which is not subject to payment or delivery.

3 (2) The ((department)) state treasurer, at reasonable times and  
4 upon reasonable notice, may examine the records of any person to  
5 determine whether the person has complied with the provisions of this  
6 chapter. The ((department)) state treasurer may conduct the  
7 examination even if the person believes it is not in possession of  
8 any property reportable or deliverable under this chapter.

9 (3) If a person is treated under RCW 63.29.120 as the holder of  
10 the property only insofar as the interest of the business association  
11 in the property is concerned, the ((department)) state treasurer,  
12 pursuant to subsection (2) of this section, may examine the records  
13 of the person if the ((department)) state treasurer has given the  
14 notice required by subsection (2) of this section to both the person  
15 and the business association at least ninety days before the  
16 examination.

17 (4) Material obtained by any person during any examination  
18 authorized under this chapter, or whether the holder was, is being,  
19 or will be examined or subject to an examination, is confidential  
20 information and may not be disclosed to any person except as provided  
21 in RCW 63.29.380.

22 (5) If an examination of the records of a person results in the  
23 disclosure of property reportable and payable or deliverable under  
24 this chapter, the ((department)) state treasurer must assess against  
25 the person the amount that should have been reported and paid as  
26 determined or approved by the ((department)) state treasurer. An  
27 assessment must also include a demand to deliver any property that  
28 should have been reported and delivered to the ((department)) state  
29 treasurer under this chapter. The assessment must include interest  
30 and penalties as provided in RCW 63.29.340. The ((department)) state  
31 treasurer may assess the cost of the examination against the holder  
32 at the rate of one hundred forty dollars a day for each examiner, but  
33 in no case may the charges exceed the lesser of three thousand  
34 dollars or the value of the property found to be reportable and  
35 payable or deliverable. No assessment for costs may be imposed when  
36 the person proves that failure to report and deliver property was  
37 inadvertent. The cost of examination made pursuant to subsection (3)  
38 of this section may be imposed only against the business association.

39 (6) If a holder fails after June 30, 1983, to maintain the  
40 records required by RCW 63.29.310 and the records of the holder

1 available for the periods subject to this chapter are insufficient to  
2 permit the preparation of a report, the ((department)) state  
3 treasurer may assess such amounts as may reasonably be estimated from  
4 any available records.

5 (7) (a) Except as provided in (b) of this subsection, all amounts  
6 and property identified in any assessment issued by the  
7 ((department)) state treasurer under this section must be paid or  
8 delivered to the ((department)) state treasurer within thirty days of  
9 issuance.

10 (b) If a timely petition for review of an assessment is filed  
11 with the ((department)) state treasurer as provided in RCW 63.29.193,  
12 only the uncontested amounts and property must be paid or delivered  
13 to the ((department)) state treasurer within thirty days of the  
14 issuance of the assessment.

15 **Sec. 25.** RCW 63.29.310 and 1983 c 179 s 31 are each amended to  
16 read as follows:

17 (1) Every holder required to file a report under RCW 63.29.170,  
18 as to any property for which it has obtained the last known address  
19 of the owner, ((shall)) must maintain a record of the name and last  
20 known address of the owner for six years after the property becomes  
21 reportable, except to the extent that a shorter time is provided in  
22 subsection (2) of this section or by rule of the ((department)) state  
23 treasurer.

24 (2) Any business association that sells in this state its  
25 travelers checks, money orders, or other similar written instruments,  
26 other than third-party bank checks on which the business association  
27 is directly liable, or that provides such instruments to others for  
28 sale in this state, ((shall)) must maintain a record of those  
29 instruments while they remain outstanding, indicating the state and  
30 date of issue for three years after the date the property is  
31 reportable.

32 **Sec. 26.** RCW 63.29.320 and 1983 c 179 s 32 are each amended to  
33 read as follows:

34 The ((department)) state treasurer may bring an action in a court  
35 of competent jurisdiction to enforce this chapter.

36 **Sec. 27.** RCW 63.29.330 and 1983 c 179 s 33 are each amended to  
37 read as follows:

1           (1) The (~~department~~) state treasurer may enter into agreements  
2 with other states to exchange information needed to enable this or  
3 another state to audit or otherwise determine unclaimed property that  
4 it or another state may be entitled to subject to a claim of custody.  
5 The (~~department~~) state treasurer by rule may require the reporting  
6 of information needed to enable compliance with agreements made  
7 pursuant to this section and prescribe the form.

8           (2) To avoid conflicts between the (~~department's~~) state  
9 treasurer's procedures and the procedures of administrators in other  
10 jurisdictions that enact the uniform unclaimed property act, the  
11 (~~department~~) state treasurer, so far as is consistent with the  
12 purposes, policies, and provisions of this chapter, before adopting,  
13 amending or repealing rules, (~~shall~~) must advise and consult with  
14 administrators in other jurisdictions that enact substantially the  
15 uniform unclaimed property act and take into consideration the rules  
16 of administrators in other jurisdictions that enact the uniform  
17 unclaimed property act.

18           (3) The (~~department~~) state treasurer may join with other states  
19 to seek enforcement of this chapter against any person who is or may  
20 be holding property reportable under this chapter.

21           (4) At the request of another state, the attorney general of this  
22 state may bring an action in the name of the administrator of the  
23 other state in any court of competent jurisdiction to enforce the  
24 unclaimed property laws of the other state against a holder in this  
25 state of property subject to escheat or a claim of abandonment by the  
26 other state, if the other state has agreed to pay expenses incurred  
27 by the attorney general in bringing the action.

28           (5) The (~~department~~) state treasurer may request that the  
29 attorney general of another state or any other person bring an action  
30 in the name of the (~~department~~) state treasurer in the other state.  
31 This state (~~shall~~) must pay all expenses including attorney's fees  
32 in any action under this subsection. The (~~department~~) state  
33 treasurer may agree to pay the person bringing the action attorney's  
34 fees based in whole or in part on a percentage of the value of any  
35 property recovered in the action. Any expenses paid pursuant to this  
36 subsection may not be deducted from the amount that is subject to the  
37 claim by the owner under this chapter.

38           **Sec. 28.** RCW 63.29.340 and 2015 3rd sp.s. c 6 s 2108 are each  
39 amended to read as follows:

1 (1) A person who fails to pay or deliver property when due is  
2 required to pay to the ((department)) state treasurer interest at the  
3 rate as computed under RCW 82.32.050(2) from the date the property  
4 should have been paid or delivered until the property is paid or  
5 delivered. However, the ((department)) state treasurer must waive or  
6 cancel interest imposed under this subsection if:

7 (a) The ((department)) state treasurer finds that the failure to  
8 pay or deliver the property within the time prescribed by this  
9 chapter was the result of circumstances beyond the person's control  
10 sufficient for waiver or cancellation of interest under RCW  
11 82.32.105;

12 (b) The failure to timely pay or deliver the property within the  
13 time prescribed by this chapter was the direct result of written  
14 instructions given to the person by the ((department)) state  
15 treasurer; or

16 (c) The extension of a due date for payment or delivery under an  
17 assessment issued by the ((department)) state treasurer was not at  
18 the person's request and was for the sole convenience of the  
19 ((department)) state treasurer.

20 (2) If a person fails to file any report or to pay or deliver any  
21 amounts or property when due under a report required under this  
22 chapter, there is assessed a penalty equal to ten percent of the  
23 amount unpaid and the value of any property not delivered.

24 (3) If an examination results in an assessment for amounts unpaid  
25 or property not delivered, there is assessed a penalty equal to ten  
26 percent of the amount unpaid and the value of any property not  
27 delivered.

28 (4) If a person fails to pay or deliver to the ((department))  
29 state treasurer by the due date any amounts or property due under an  
30 assessment issued by the ((department)) state treasurer to the  
31 person, there is assessed an additional penalty of five percent of  
32 the amount unpaid and the value of any property not delivered.

33 (5) Penalties under subsections (2) through (4) of this section  
34 may be waived or canceled only if the ((department)) state treasurer  
35 finds that the failure to pay or deliver within the time prescribed  
36 by this chapter was the result of circumstances beyond the person's  
37 control sufficient for waiver or cancellation of penalties under RCW  
38 82.32.105.

39 (6) If a person willfully fails to file a report or to provide  
40 written notice to apparent owners as required under this chapter, the

1 ((department)) state treasurer may assess a civil penalty of one  
2 hundred dollars for each day the report is withheld or the notice is  
3 not sent, but not more than five thousand dollars.

4 (7) If a holder, having filed a report, failed to file the report  
5 electronically as required by RCW 63.29.170, or failed to pay  
6 electronically any amounts due under the report as required by RCW  
7 63.29.190, the ((department)) state treasurer must assess a penalty  
8 equal to five percent of the amount payable or deliverable under the  
9 report, unless the ((department)) state treasurer grants the taxpayer  
10 relief from the electronic filing and payment requirements. Total  
11 penalties assessed under this subsection may not exceed five percent  
12 of the amount payable and value of property deliverable under the  
13 report.

14 (8) The penalties imposed in this section are cumulative.

15 **Sec. 29.** RCW 63.29.350 and 2012 c 117 s 181 are each amended to  
16 read as follows:

17 (1) It is unlawful for any person to seek or receive from any  
18 person or contract with any person for any fee or compensation for  
19 locating or purporting to locate any property which he or she knows  
20 has been reported or paid or delivered to the ((~~department of~~  
21 ~~revenue~~)) state treasurer pursuant to this chapter, or funds held by  
22 a county that are proceeds from a foreclosure for delinquent property  
23 taxes, assessments, or other liens, or, funds that are otherwise held  
24 by a county because of a person's failure to claim funds held as  
25 reimbursement for unowed taxes, fees, or other government charges, in  
26 excess of five percent of the value thereof returned to such owner.  
27 Any person violating this section is guilty of a misdemeanor and  
28 ((shall)) must be fined not less than the amount of the fee or charge  
29 he or she has sought or received or contracted for, and not more than  
30 ten times such amount, or imprisoned for not more than thirty days,  
31 or both.

32 (2) The legislature finds that the practices covered by this  
33 section are matters vitally affecting the public interest for the  
34 purpose of applying the consumer protection act, chapter 19.86 RCW.  
35 Any violation of this section is not reasonable in relation to the  
36 development and preservation of business. It is an unfair or  
37 deceptive act in trade or commerce and an unfair method of  
38 competition for the purpose of applying the consumer protection act,

1 chapter 19.86 RCW. Remedies provided by chapter 19.86 RCW are  
2 cumulative and not exclusive.

3 **Sec. 30.** RCW 63.29.370 and 1983 c 179 s 38 are each amended to  
4 read as follows:

5 The (~~department~~) state treasurer may adopt necessary rules in  
6 accordance with chapter 34.05 RCW to carry out the provisions of this  
7 chapter.

8 **Sec. 31.** RCW 63.29.380 and 1983 c 179 s 39 are each amended to  
9 read as follows:

10 Any information or records required to be furnished to the  
11 (~~department of revenue~~) state treasurer as provided in this chapter  
12 (~~shall be~~) is confidential and (~~shall~~) may not be disclosed to  
13 any person except the person who furnished the same to the  
14 (~~department of revenue~~) state treasurer, and except as provided in  
15 RCW 63.29.180 and 63.29.230, or as may be necessary in the proper  
16 administration of this chapter.

17 **Sec. 32.** RCW 63.29.900 and 1983 c 179 s 37 are each amended to  
18 read as follows:

19 (1) This chapter does not relieve a holder of a duty that arose  
20 before June 30, 1983, to report, pay, or deliver property. A holder  
21 who did not comply with the law in effect before June 30, 1983, is  
22 subject to the applicable enforcement and penalty provisions that  
23 then existed and they are continued in effect for the purpose of this  
24 subsection, subject to RCW 63.29.290(2).

25 (2) The initial report to be filed under this chapter (~~shall~~)  
26 must include all property which is presumed abandoned under this  
27 chapter. The report (~~shall~~) must include property that was not  
28 required to be reported before June 30, 1983, but which would have  
29 been presumed abandoned on or after September 1, 1979 under the terms  
30 of chapter 63.29 RCW.

31 (3) It (~~shall be~~) is a defense to any action by the  
32 (~~department~~) state treasurer that facts cannot be established  
33 because a holder, prior to January 1, 1983, destroyed or lost records  
34 or did not then keep records, if the destruction, loss, or failure to  
35 keep records did not violate laws existing at the time of the  
36 destruction, loss or failure.

1        NEW SECTION.    **Sec. 33.**    This act takes effect January 1, 2020.

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