

## **As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 270**

**Representative Merrin**

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## **A BILL**

To amend sections 122.58, 126.37, 169.01, 169.02,  
169.03, 169.05, 169.07, 169.08, 169.09, 169.10,  
169.12, and 5703.21 and to enact sections  
169.052, 169.091, and 169.18 of the Revised Code  
to create the Unclaimed Funds Reform Act.

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## **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 122.58, 126.37, 169.01, 169.02,  
169.03, 169.05, 169.07, 169.08, 169.09, 169.10, 169.12, and  
5703.21 be amended and sections 169.052, 169.091, and 169.18 of  
the Revised Code be enacted to read as follows:

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**Sec. 122.58.** Moneys in the funds established pursuant to  
Chapter 122. of the Revised Code, except as otherwise provided  
in any proceedings authorizing revenue bonds or in any trust  
agreement securing such bonds, in excess of current needs, may  
be invested in notes, bonds, or other obligations which are  
direct obligations of or are guaranteed by the United States, or  
in certificates of deposit or other withdrawable accounts of  
banks, trust companies, ~~and~~or building and loan or savings and  
loan associations organized under the laws of the state or the  
United States, ~~or in the manner provided in any agreement~~

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<del>entered into pursuant to section 169.05 of the Revised Code.</del>	20
Income from all such investments of moneys in any fund shall be credited to such funds as the director of development determines subject to the provisions of any bond issuance proceedings or trust agreement, and such investments may be sold at such time as the director shall determine, provided certificates of deposit or other withdrawable accounts may be sold only in accordance with division (B) of section 169.05 or <del>divisions—division (E) and (F) of</del> section 169.08 of the Revised Code.	21 22 23 24 25 26 27 28 29
<b>Sec. 126.37.</b> (A) The director of budget and management shall void any warrant the director draws on the state treasury pursuant to Chapter 5733. or 5747. of the Revised Code that is not presented for payment to the treasurer of state within two years after the date of issuance and shall void any other warrant the director draws on the state treasury that is not presented to the treasurer of state within ninety days after the date of issuance.	30 31 32 33 34 35 36 37
(B) If a warrant voided pursuant to division (A) of this section was drawn against an appropriation of the current fiscal year and the holder of the voided warrant presents the warrant for reissuance, in the same fiscal year, to the state agency that made the payment originally, the agency shall prepare a voucher for the holder of the voided warrant, in the amount shown on the warrant that has been voided, against the same appropriation of the same fiscal year if the agency is satisfied that payment is proper.	38 39 40 41 42 43 44 45 46
(C) If a warrant was drawn against an appropriation of the first fiscal year of the fiscal biennium and voided pursuant to division (A) of this section in either fiscal year of the	47 48 49

biennium and if the holder of the voided warrant presents the  
warrant for reissuance, in the second fiscal year of the  
biennium, to the state agency that made the payment originally,  
the agency shall prepare a voucher for the holder of the voided  
warrant, in the amount shown on the warrant that has been  
voided, against funds transferred to the agency by the director  
pursuant to section 131.33 of the Revised Code, if the agency is  
satisfied that payment is proper. If no such funds are available  
for transfer, the agency shall prepare the voucher against any  
unexpended appropriations of the current fiscal year available  
to it.

(D) If a warrant was drawn against an appropriation and,  
during the same biennium, was voided pursuant to division (A) of  
this section, and if, after that biennium, the holder of the  
voided warrant presents the warrant for reissuance to the state  
agency that made the payment originally, the agency shall  
prepare a voucher for the holder of the voided warrant, in the  
amount shown on the warrant that has been voided, against any  
appropriation of the current fiscal year made to the agency if  
the agency is satisfied that payment is proper.

(E) If a warrant voided pursuant to division (A) of this  
section was drawn against an appropriation of a previous fiscal  
year and voided after that fiscal biennium and if the holder of  
the voided warrant presents the warrant for reissuance to the  
state agency that made the payment originally, the agency shall  
forward the warrant to the director with a request for  
reissuance. The director shall make payment to the holder of the  
voided warrant, in the amount shown on the warrant that has been  
voided, against an appropriation of the current fiscal year made  
to the director for the reissuance of voided warrants, if the  
director is satisfied that reissuance of the warrant is proper.

(F) The director of budget and management shall report as unclaimed funds under Chapter 169. of the Revised Code and transfer to the unclaimed funds trust fund an amount equal to the amount of any tax refund warrant in the amount of one hundred dollars or more that is not presented for payment to the treasurer of state within five years after its date of issuance, regardless of whether the warrant has been voided pursuant to this section. The director shall transfer that amount from the fund or funds to which receipts of the tax or fee are ultimately credited, in proportion to the amount credited to each such fund. As used in this division, "tax refund warrant" means a warrant drawn on the state treasury that represents a refund of the amount of any tax or fee administered by the tax commissioner or of interest or penalties associated with that tax or fee.

**Sec. 169.01.** As used in this chapter, unless the context otherwise requires:

(A) "Financial organization" means any bank, trust company, savings bank, safe deposit company, mutual savings bank without mutual stock, savings and loan association, credit union, or investment company.

(B) (1) "Unclaimed funds" means any moneys, rights to moneys, or intangible property, with a value of one hundred dollars or more and described in section 169.02 of the Revised Code, when, as shown by the records of the holder, the owner has not, within the times provided in section 169.02 of the Revised Code, done any of the following:

(a) Increased, decreased, or adjusted the amount of such funds, including by preauthorizing electronic debit or credit transfers such as automated clearinghouse transactions initiated

<u>by the owner and reflected on the books and records of the holder;</u>	111
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(b) Assigned, paid premiums, or encumbered such funds;	113
(c) Presented an appropriate record for the crediting of such funds or received payment of such funds by check, draft, or otherwise;	114
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(d) Corresponded with the holder concerning such funds;	117
(e) Otherwise indicated an interest in or knowledge of such funds;	118
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(f) Transacted business with the holder.	120
(2) "Unclaimed funds" does not include any of the following:	121
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(a) Money received or collected under section 9.39 of the Revised Code;	123
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(b) Any payment or credit due to a business association from a business association representing sums payable to suppliers, or payment for services rendered, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;	125
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(c) Any payment or credit received by a business association from a business association for tangible goods sold, or services performed, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;	131
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(d) Either of the following:	137

(i) Any credit or obligation due a retail customer that is represented by a gift certificate, gift card, merchandise credit, or merchandise credit card, redeemable only for goods or services, including gift cards issued by financial organizations or business associations;	138 139 140 141 142
(ii) Any electronic payment device that is issued by a financial organization or a business association that has no expiration date and meets all of the following conditions:	143 144 145
(I) It is purchased or loaded on a prepaid basis for the future purchase or delivery of goods or services.	146 147
(II) It is redeemable upon presentation to a single merchant or service provider or an affiliated group of merchants or service providers.	148 149 150
(III) It is not redeemable for cash in whole or in part.	151
(e) Any open-loop prepaid card that is issued by a financial organization or a business association for which the underlying funds do not expire. For purposes of division (B) (2) (e) of this section, "open-loop prepaid card" means an electronic payment device that meets all of the following conditions:	152 153 154 155 156 157
(i) It is purchased or loaded on a prepaid basis for the future purchase or delivery of any goods or services.	158 159
(ii) It can be used to purchase goods and services at multiple unaffiliated merchants or service providers.	160 161
(iii) It is not redeemable for cash in whole or in part.	162
(f) Any rewards card. For purposes of division (B) (2) (f) of this section, "rewards card" includes any loyalty, incentive, or promotional type program that is issued by a financial	163 164 165

organization or a business association whether represented by a  
card or electronic record, which program is established for the  
purposes of providing cardholder awards, rewards, rebates, or  
other amounts to reward the cardholder for the cardholder's  
relationship with the entity sponsoring the rewards card,  
provided that no direct money was paid by the cardholder for the  
rewards card. "Rewards card" includes both of the following:

(i) Cards or electronic records consisting of points,  
cash, or other tokens of value given to a cardholder as a reward  
or incentive for engaging in a transaction or a series of  
transactions;

(ii) The unpaid portion of a rewards card when the rewards  
card is partially loaded by the cardholder with the remaining  
portion funded as a reward or incentive.

A minimal annual fee charged to the cardholder for joining  
any such loyalty, incentive, or promotional type program shall  
not be considered direct money paid by the cardholder for the  
rewards card. For purposes of division (B)(2)(f) of this  
section, "cardholder" means the holder of a rewards card,  
regardless of whether the rewards card is represented by a card  
or by an electronic record.

For purposes of division (B)(2) of this section, "business  
association" means any corporation, joint venture, business  
trust, limited liability company, partnership, association, or  
other business entity composed of one or more individuals,  
whether or not the entity is for profit.

(C) "Owner" means any person, or the person's legal  
representative, entitled to receive or having a legal or  
equitable interest in or claim against moneys, rights to moneys,

or other intangible property, subject to this chapter.	195
(D) (1) "Holder" means any person that has possession, custody, or control of moneys, rights to moneys, or other intangible property, or that is indebted to another, if any of the following applies:	196 197 198 199
(a) Such person resides in this state;	200
(b) Such person is formed under the laws of this state;	201
(c) Such person is formed under the laws of the United States and has an office or principal place of business in this state;	202 203 204
(d) The records of such person indicate that the last known address of the owner of such moneys, rights to moneys, or other intangible property is in this state;	205 206 207
(e) The records of such person do not indicate the last known address of the owner of the moneys, rights to moneys, or other intangible property and the entity originating or issuing the moneys, rights to moneys, or other intangible property in this state or any political subdivision of this state, or is incorporated, organized, created, or otherwise located in this state. Division (D) (1) (e) of this section applies to all moneys, rights to moneys, or other intangible property that is in the possession, custody, or control of such person on or after July 22, 1994, whether the moneys, rights to moneys, or other intangible property becomes unclaimed funds prior to or on or after that date.	208 209 210 211 212 213 214 215 216 217 218 219
(2) "Holder" does not mean any hospital granted tax-exempt status under section 501(c) (3) of the Internal Revenue Code or any hospital owned or operated by the state or by any political subdivision. Any entity in order to be exempt from the	220 221 222 223

definition of "holder" pursuant to this division shall make a  
reasonable, good-faith effort to contact the owner of the  
unclaimed funds. 224  
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(E) "Person" includes a natural person; corporation,  
whether for profit or not for profit; copartnership;  
unincorporated nonprofit association; public authority; estate;  
trust; two or more persons having a joint or common interest;  
eleemosynary organization; fraternal or cooperative association;  
other legal or community entity; the United States government,  
including any district, territory, possession, officer, agency,  
department, authority, instrumentality, board, bureau, or court;  
or any state or political subdivision thereof, including any  
officer, agency, board, bureau, commission, division,  
department, authority, court, or instrumentality. 227  
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(F) "Mortgage funds" means the mortgage insurance fund  
created by section 122.561 of the Revised Code, and the housing  
~~guarantee development fund~~ created by division ~~(D)~~—(A) of  
section ~~128.11–175.11~~ of the Revised Code. 238  
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(G) "Lawful claims" means any vested right a holder of  
unclaimed funds has against the owner of such unclaimed funds. 242  
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(H) "Public utility" means any entity defined as such by  
division (A) of section 745.01 or by section 4905.02 of the  
Revised Code. 244  
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(I) "Deposit" means to place money in the custody of a  
financial organization for the purpose of establishing an  
income-bearing account by purchase or otherwise. 247  
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(J) "Income-bearing account" means a time or savings  
account, whether or not evidenced by a certificate of deposit,  
or an investment account through which investments are made 250  
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solely in obligations of the United States or its agencies or  
instrumentalities or guaranteed as to principal and interest by  
the United States or its agencies or instrumentalities, debt  
securities rated as investment grade by at least two nationally  
recognized rating services, debt securities which the director  
of commerce has determined to have been issued for the safety  
and welfare of the residents of this state, and equity interests  
in mutual funds that invest solely in some or all of the above-  
listed securities and involve no general liability, without  
regard to whether income earned on such accounts, securities, or  
interests is paid periodically or at the end of a term.

(K) "Director of commerce" may be read as the "division of  
unclaimed funds" or the "superintendent of unclaimed funds."

**Sec. 169.02.** Subject to division (B) of section 169.01 of  
the Revised Code, the following constitute unclaimed funds:

(A) Except as provided in division (R) of this section,  
any demand, savings, or matured time deposit account, or matured  
certificate of deposit, together with any interest or dividend  
on it, less any lawful claims, that is held or owed by a holder  
which is a financial organization, unclaimed for a period of  
five years;

(B) Any funds paid toward the purchase of withdrawable  
shares or other interest in a financial organization, and any  
interest or dividends on them, less any lawful claims, that is  
held or owed by a holder which is a financial organization,  
unclaimed for a period of five years;

(C) Except as provided in division (A) of section 3903.45  
of the Revised Code, moneys held or owed by a holder, including  
a fraternal association, providing life insurance, including

annuity or endowment coverage, unclaimed for three years after becoming payable as established from the records of such holder under any life or endowment insurance policy or annuity contract that has matured or terminated. An insurance policy, the proceeds of which are payable on the death of the insured, not matured by proof of death of the insured is deemed matured and the proceeds payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based.	282 283 284 285 286 287 288 289 290
Moneys otherwise payable according to the records of such holder are deemed payable although the policy or contract has not been surrendered as required.	291 292 293
(D) Any deposit made to secure payment or any sum paid in advance for utility services of a public utility and any amount refundable from rates or charges collected by a public utility for utility services held or owed by a holder, less any lawful claims, that has remained unclaimed for one year after the termination of the services for which the deposit or advance payment was made or one year from the date the refund was payable, whichever is earlier;	294 295 296 297 298 299 300 301
(E) Except as provided in division (R) of this section, any certificates, securities as defined in section 1707.01 of the Revised Code, nonwithdrawable shares, other instruments evidencing ownership, or rights to them or funds paid toward the purchase of them, or any dividend, capital credit, profit, distribution, interest, or payment on principal or other sum, held or owed by a holder, including funds deposited with a fiscal agent or fiduciary for payment of them, and instruments representing an ownership interest, unclaimed for five years. Any underlying share or other intangible instrument representing	302 303 304 305 306 307 308 309 310 311

an ownership interest in a business association, in which the 312  
issuer has recorded on its books the issuance of the share but 313  
has been unable to deliver the certificate to the shareholder, 314  
constitutes unclaimed funds if such underlying share is 315  
unclaimed for five years. In addition, an underlying share 316  
constitutes unclaimed funds if a dividend, distribution, or 317  
other sum payable as a result of the underlying share has 318  
remained unclaimed by the owner for five years. 319

This division shall not prejudice the rights of fiscal 320  
agents or fiduciaries for payment to return the items described 321  
in this division to their principals, according to the terms of 322  
an agency or fiduciary agreement, but such a return shall 323  
constitute the principal as the holder of the items and shall 324  
not interrupt the period for computing the time for which the 325  
items have remained unclaimed. 326

In the case of any such funds accruing and held or owed by 327  
a corporation under division (E) of section 1701.24 of the 328  
Revised Code, such corporation shall comply with this chapter, 329  
subject to the limitation contained in section 1701.34 of the 330  
Revised Code. The period of time for which such funds have gone 331  
unclaimed specified in section 1701.34 of the Revised Code shall 332  
be computed, with respect to dividends or distributions, 333  
commencing as of the dates when such dividends or distributions 334  
would have been payable to the shareholder had such shareholder 335  
surrendered the certificates for cancellation and exchange by 336  
the date specified in the order relating to them. 337

Capital credits of a cooperative which after January 1, 338  
1972, have been allocated to members and which by agreement are 339  
expressly required to be paid if claimed after death of the 340  
owner are deemed payable, for the purpose of this chapter, 341

fifteen years after either the termination of service by the  
cooperative to the owner or upon the nonactivity as provided in  
division (B) of section 169.01 of the Revised Code, whichever  
occurs later, provided that this provision does not apply if the  
payment is not mandatory.

(F) Any sum payable on certified checks or other written  
instruments certified or issued and representing funds held or  
owed by a holder, less any lawful claims, that are unclaimed for  
five years from the date payable or from the date of issuance if  
payable on demand; except that the unclaimed period for money  
orders that are not third party bank checks is seven years, and  
the unclaimed period for traveler's checks is fifteen years,  
from the date payable or from the date of issuance if payable on  
demand.

As used in this division, "written instruments" include,  
but are not limited to, certified checks, cashier's checks,  
bills of exchange, letters of credit, drafts, money orders, and  
traveler's checks.

If there is no address of record for the owner or other  
person entitled to the funds, such address is presumed to be the  
address where the instrument was certified or issued.

(G) Except as provided in division (R) of this section,  
all moneys, rights to moneys, or other intangible property,  
arising out of the business of engaging in the purchase or sale  
of securities, or otherwise dealing in intangibles, less any  
lawful claims, that are held or owed by a holder and are  
unclaimed for five years from the date of transaction.

(H) Except as provided in division (A) of section 3903.45  
of the Revised Code, all moneys, rights to moneys, and other

intangible property distributable in the course of dissolution or liquidation of a holder that are unclaimed for one year after the date set by the holder for distribution;	371 372 373
(I) All moneys, rights to moneys, or other intangible property removed from a safe-deposit box or other safekeeping repository located in this state or removed from a safe-deposit box or other safekeeping repository of a holder, on which the lease or rental period has expired, or any amount arising from the sale of such property, less any lawful claims, that are unclaimed for three years from the date on which the lease or rental period expired;	374 375 376 377 378 379 380 381
(J) Subject to division (M) (2) of this section, all moneys, rights to moneys, or other intangible property, and any income or increment on them, held or owed by a holder which is a fiduciary for the benefit of another, or a fiduciary or custodian of a qualified retirement plan or individual retirement arrangement under section 401 or 408 of the Internal Revenue Code, unclaimed for three years after the final date for distribution;	382 383 384 385 386 387 388 389
(K) All moneys, rights to moneys, or other intangible property held or owed in this state or held for or owed to an owner whose last known address is within this state, by the United States government or any state, as those terms are described in division (E) of section 169.01 of the Revised Code, unclaimed by the owner for three years, excluding any property in the control of any court in a proceeding in which a final adjudication has not been made;	390 391 392 393 394 395 396 397
(L) Amounts payable pursuant to the terms of any policy of insurance, other than life insurance, or any refund available under such a policy, held or owed by any holder, unclaimed for	398 399 400

three years from the date payable or distributable;	401
(M) (1) Subject to division (M) (2) of this section, any funds constituting rents or lease payments due, any deposit made to secure payment of rents or leases, or any sum paid in advance for rents, leases, possible damage to property, unused services, performance requirements, or any other purpose, held or owed by a holder unclaimed for one year;	402 403 404 405 406 407
(2) Any escrow funds, security deposits, or other moneys that are received by a licensed broker in a fiduciary capacity and that, pursuant to division (A) (26) of section 4735.18 of the Revised Code, are required to be deposited into and maintained in a special or trust, noninterest-bearing bank account separate and distinct from any personal or other account of the licensed broker, held or owed by the licensed broker unclaimed for two years.	408 409 410 411 412 413 414 415
(N) Any sum greater than fifty dollars payable as wages, any sum payable as salaries or commissions, any sum payable for services rendered, funds owed or held as royalties, oil and mineral proceeds, funds held for or owed to suppliers, and moneys owed under pension and profit-sharing plans, held or owed by any holder unclaimed for one year from date payable or distributable, and all other credits held or owed, or to be refunded to a retail customer, by any holder unclaimed for three years from date payable or distributable;	416 417 418 419 420 421 422 423 424
(O) Amounts held in respect of or represented by lay-aways sold after January 1, 1972, less any lawful claims, when such lay-aways are unclaimed for three years after the sale of them;	425 426 427
(P) All moneys, rights to moneys, and other intangible property not otherwise constituted as unclaimed funds by this	428 429

section, including any income or increment on them, less any  
lawful claims, which are held or owed by any holder, other than  
a holder which holds a permit issued pursuant to Chapter 3769.  
of the Revised Code, and which have remained unclaimed for three  
years after becoming payable or distributable;

(Q) All moneys that arise out of a sale held pursuant to  
section 5322.03 of the Revised Code, that are held by a holder  
for delivery on demand to the appropriate person pursuant to  
division (I) of that section, and that are unclaimed for two  
years after the date of the sale.

(R)(1) Any funds that are subject to an agreement between  
the holder and owner providing for automatic reinvestment and  
that constitute dividends, distributions, or other sums held or  
owed by a holder in connection with a security as defined in  
section 1707.01 of the Revised Code, an ownership interest in an  
investment company registered under the "Investment Company Act  
of 1940," 54 Stat. 789, 15 U.S.C. 80a-1, as amended, or a  
certificate of deposit, unclaimed for a period of five years,  
unless, at or about the time the underlying security or  
certificate of deposit is due for renewal, the owner consented  
to the continued automatic reinvestment in a record on file with  
the holder.

(2) The five-year period under division (R)(1) of this  
section commences from the date ~~a second shareholder~~  
~~notification or communication mailing to the owner of the funds~~  
~~is returned to the holder as undeliverable by the United States~~  
~~postal service or other carrier. The notification or~~  
~~communication mailing by the holder shall be no less frequent~~  
~~than quarterly of maturity of the automatic reinvestment. Any~~  
~~property described in division (R)(1) of this section that is~~

<u>automatically renewable is matured for the purposes of division</u>	460
<u>(R) (2) of this section five years after the expiration of its</u>	461
<u>initial time period.</u>	462
All moneys in a personal allowance account, as defined by	463
rules adopted by the medicaid director, up to and including the	464
maximum resource limitation, of a medicaid recipient who has	465
died after receiving care in a long-term care facility, and for	466
whom there is no identifiable heir or sponsor, are not subject	467
to this chapter.	468
<u>(S) Amounts described in division (F) of section 126.37 of</u>	469
<u>the Revised Code.</u>	470
<b>Sec. 169.03.</b> (A) (1) Every holder of unclaimed funds and,	471
when requested, every person that could be the holder of	472
unclaimed funds, under this chapter shall report to the director	473
of commerce with respect to the unclaimed funds as provided in	474
this section. The report shall be verified.	475
<del>(2) With respect to items of unclaimed funds each having a</del>	476
<del>value of fifty dollars or more, the</del> <del>The</del> report required under	477
division (A) (1) of this section shall include the following:	478
(a) The full name, if known, and last known address, if	479
any, of each person appearing from the records of the holder to	480
be the owner of unclaimed funds under this chapter;	481
(b) In the case of unclaimed funds reported by holders	482
providing life insurance coverage, the full name of the insured	483
or annuitant and beneficiary, if any, and their last known	484
addresses according to the holder's records;	485
(c) The nature and identifying number, if any, or	486
description of the funds and the amount appearing from the	487
records to be due;	488

(d) The date when the funds became payable, demandable, or returnable and the date of the last transaction with the owner with respect to the funds;	489 490 491
(e) Subject to division (I) of this section, the social security number of the owner of the unclaimed funds, if it is available;	492 493 494
(f) If the item of unclaimed funds has a value of one thousand dollars or more and the holder has verified that the last known address as shown by the records of the holder is not accurate as provided in division (D) of this section, a statement that efforts were undertaken by the holder to verify that the address is not accurate. Any verifying documentation shall be maintained by the holder for five years from the date of the report and shall be available upon request to the director or the director's designee.	495 496 497 498 499 500 501 502 503
(g) Other information that the director prescribes as necessary for the administration of this chapter.	504 505
<del>(3) With respect to items of unclaimed funds each having a value of less than fifty dollars, the report required under division (A) (1) of this section shall include the following:</del>	506 507 508
<del>(a) Each category of items of unclaimed funds as described in section 169.02 of the Revised Code;</del>	509 510
<del>(b) The number of items of unclaimed funds within each category;</del>	511 512
<del>(c) The aggregated value of the items of unclaimed funds within each category.</del>	513 514
(B) If the holder of unclaimed funds is a successor to other organizations that previously held the funds for the	515 516

owner, or if the holder has changed its name while holding the  
funds, it shall file with the report all prior known names and  
addresses and date and state of incorporation or formation of  
each holder of the funds.

(C) The report shall be filed before the first day of  
November of each year as of the preceding thirtieth day of June,  
but the report of holders providing life insurance coverage  
shall be filed before the first day of May of each year as of  
the preceding thirty-first day of December. The director may  
postpone, for good cause shown, the reporting date upon written  
request by any holder required to file a report.

(D) The holder of unclaimed funds under this chapter shall  
send notice to each owner of each item of unclaimed funds ~~having~~  
~~a value of fifty dollars or more~~ at the last known address of  
the owner as shown by the records of the holder before filing  
the annual report. In case of holders providing life insurance  
coverage, this notice shall also be mailed to each beneficiary  
at the last known address of the beneficiary as shown by the  
records of the holder, except that the notice to beneficiaries  
shall not be mailed if that address is the same as that of the  
insured and the surname of the beneficiary is the same as that  
of the insured. The holder shall not report an item of unclaimed  
funds earlier than the thirtieth day after the mailing of notice  
required by this division.

The notice required by this division shall set forth the  
nature and identifying number, if any, or description of the  
funds and the amount appearing on the records of the holder to  
be due the owner or beneficiary, and shall inform the owner or  
beneficiary that the funds will, thirty days after the mailing  
of the notice, be reported as unclaimed funds under this

chapter. A self-addressed, stamped envelope shall be included 547  
with the notice, with instructions that the owner or beneficiary 548  
may use the envelope to inform the holder of the owner's or 549  
beneficiary's continued interest in the funds, and, if so 550  
informed before the date for making the report to the director, 551  
the holder shall not report the funds to the director. The 552  
notice shall be mailed by first class mail if the item of 553  
unclaimed funds has a value of ~~fifty dollars or more but less~~ 554  
than one thousand dollars and by certified mail, return receipt 555  
requested, if the item of unclaimed funds has a value of one 556  
thousand dollars or more, unless the holder has verified that 557  
the last known address of the owner or beneficiary as shown by 558  
the records of the holder is not accurate. For purposes of this 559  
section, a holder has verified that the last known address of 560  
the owner or beneficiary is not accurate by documenting at least 561  
two of the following: 562

(1) The owner or beneficiary failed to respond to a first 563  
class mail notice sent to the last known address of the owner or 564  
beneficiary. 565

(2) A first class mail notice sent by the holder to the 566  
last known address of the owner or beneficiary was returned as 567  
undeliverable. 568

(3) An electronic or manual search of available public 569  
records failed to confirm that the last known address of the 570  
owner or beneficiary is accurate. The holder shall maintain 571  
documentation of its search efforts. If a search of public 572  
records or databases identifies a more recent address for the 573  
owner or beneficiary than the address in the holder's records, 574  
the holder shall send notice to the owner or beneficiary at that 575  
more recent address in accordance with this section. 576

A holder that sends a notice by certified mail, return receipt requested, may charge the item of unclaimed funds up to twenty dollars for providing that notice. 577  
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If there is no address of record for the owner or beneficiary, the holder is relieved of any responsibility of sending notice, attempting to notify, or notifying the owner or beneficiary. The mailing of notice pursuant to this section shall discharge the holder from any further responsibility to give notice. 580  
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(E) Verification of the report and of the mailing of notice, where required, shall be executed by an officer of the reporting holder. 586  
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(F) (1) The director may, at reasonable times and upon reasonable notice, examine or cause to be examined, by auditors of supervisory departments or divisions of the state, the records of any holder to determine compliance with this chapter. 589  
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(2) Holders shall retain records, designated by the director as applicable to unclaimed funds, for five years beyond the relevant time period provided in section 169.02 of the Revised Code, or until completion of an audit conducted pursuant to division (F) of this section, whichever occurs first. An audit conducted pursuant to division (F) of this section shall not require a holder to make records available for a period of time exceeding the records retention period set forth in division (F) of this section, except for records pertaining to instruments evidencing ownership, or rights to them or funds paid toward the purchase of them, or any dividend, capital credit, profit, distribution, interest, or payment on principal or other sum, held or owed by a holder, including funds deposited with a fiscal agent or fiduciary for payment of them, 593  
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or pertaining to debt of a publicly traded corporation. Any  
holder that is audited pursuant to division (F) of this section  
shall only be required to make available those records that are  
relevant to an unclaimed funds audit of that holder as  
prescribed by the director.

(3) The director may enter into contracts, pursuant to  
procedures prescribed by the director, with persons for the sole  
purpose of examining the records of holders, determining  
compliance with this chapter, and collecting, taking possession  
of, and remitting to the department's division of unclaimed  
funds, in a timely manner, the amounts found and defined as  
unclaimed. The director shall not enter into such a contract  
with a person unless the person does all of the following:

(a) Agrees to maintain the confidentiality of the records  
examined, as required under division (F)(4) of this section;

(b) Agrees to conduct the audit in accordance with rules  
adopted under section 169.09 of the Revised Code;

(c) Obtains a corporate surety bond issued by a bonding  
company or insurance company authorized to do business in this  
state. The bond shall be in favor of the director and in the  
penal sum determined by the director. The bond shall be for the  
benefit of any holder of unclaimed funds that is audited by the  
principal and is injured by the principal's failure to comply  
with division (F)(3)(a) or (b) of this section.

(4) Records audited pursuant to division (F) of this  
section are confidential, and shall not be disclosed except as  
required by section 169.06 of the Revised Code or as the  
director considers necessary in the proper administration of  
this chapter.

- (5) If a person with whom the director has entered into a  
contract pursuant to division (F) (3) of this section intends to  
conduct, in conjunction with an unclaimed funds audit under this  
section, an unclaimed funds audit for the purpose of  
administering another state's unclaimed or abandoned property  
laws, the person, prior to commencing the audit, shall provide  
written notice to the director of the person's intent to conduct  
such an audit, along with documentation evidencing the person's  
express authorization from the other state to conduct the audit  
on behalf of that state. 636  
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- (6) Prior to the commencement of an audit conducted  
pursuant to division (F) of this section, the director shall  
notify the holder of unclaimed funds of the director's intent to  
audit the holder's records. If the audit will be conducted in  
conjunction with an audit for one or more other states, the  
director shall provide the holder with the name or names of  
those states. 646  
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- (7) Any holder of unclaimed funds may appeal the findings  
of an audit conducted pursuant to division (F) of this section  
to the director. Pursuant to the authority granted by section  
169.09 of the Revised Code, the director shall adopt rules  
establishing procedures for considering such an appeal. 653  
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- (G) All holders shall make sufficient investigation of  
their records to ensure that the funds reported to the director  
are unclaimed as set forth in division (B) of section 169.01 and  
section 169.02 of the Revised Code. 658  
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- (H) The expiration of any period of limitations on or  
after March 1, 1968, within which a person entitled to any  
moneys, rights to moneys, or intangible property could have  
commenced an action or proceeding to obtain these items shall 662  
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not prevent these items from becoming unclaimed funds or relieve 666  
the holder of them of any duty to report and give notice as 667  
provided in this section and deliver them in the manner provided 668  
in section 169.05 of the Revised Code, provided that the holder 669  
may comply with this section and section 169.05 of the Revised 670  
Code with respect to any moneys, rights to moneys, or intangible 671  
property as to which the applicable statute of limitations has 672  
run prior to March 1, 1968, and in that event the holder shall 673  
be entitled to the protective provisions of section 169.07 of 674  
the Revised Code. 675

(I) No social security number contained in a report made 676  
pursuant to this section shall be used by the department of 677  
commerce for any purpose other than to enable the division of 678  
unclaimed funds to carry out the purposes of this chapter and 679  
for child support purposes in response to a request made by the 680  
office of child support in the department of job and family 681  
services made pursuant to section 3123.88 of the Revised Code. 682

**Sec. 169.05.** (A) Every holder required to file a report 683  
under section 169.03 of the Revised Code shall, at the time of 684  
filing, pay to the director of commerce ~~ten per cent of the~~ 685  
aggregate amount of unclaimed funds as shown on the report, ~~except for aggregate amounts of fifty dollars or less in which~~ 686  
~~ease one hundred per cent shall be paid.~~ The funds ~~may~~ shall be 687  
deposited by the director in the state treasury to the credit of 688  
the unclaimed funds trust fund, which is hereby created, ~~or~~ 689  
~~placed with a financial organization.~~ The treasurer of state may 690  
invest any or all of the funds within the unclaimed funds trust 691  
fund in custodial accounts with the treasurer of state, outside 692  
the state treasury. The limitation on investments in debt 693  
interests provided in division (A) (10) (a) of section 135.143 of 694  
the Revised Code shall not apply to these custodial accounts. 695

Any interest earned on money in the unclaimed funds trust fund 697  
or in any custodial accounts created under this division shall 698  
be credited to the trust fund or the custodial accounts, 699  
respectively. 700

The remainder of the aggregate amount of unclaimed funds 701  
as shown on the report, plus earnings accrued to date of payment 702  
to the director, shall, at the option of the director, be 703  
retained by the holder or paid to the director for deposit as 704  
agent for the mortgage funds with a financial organization as 705  
defined in section 169.01 of the Revised Code, with the funds to 706  
be in income bearing accounts to the credit of the mortgage 707  
funds, or the holder may enter into an agreement with the 708  
director specifying the obligations of the United States in 709  
which funds are to be invested, and agree to pay the interest on 710  
the obligations to the state. Holders retaining any funds not in 711  
obligations of the United States shall enter into an agreement 712  
with the director specifying the classification of income- 713  
bearing account in which the funds will be held and pay the 714  
state interest on the funds at a rate equal to the prevailing 715  
market rate for similar funds. Moneys that the holder is 716  
required to pay to the director rather than to retain may be 717  
deposited with the treasurer of state, or placed with a 718  
financial organization. 719

Securities and other intangible property transferred to 720  
the director shall, within a reasonable time, be converted to 721  
cash and the proceeds deposited as provided for other funds. 722

One half of the funds evidenced by agreements, in income- 723  
bearing accounts, or on deposit with the treasurer of state 724  
Funds shall be allocated on the records of the director to the 725  
mortgage insurance fund created by section 122.561 of the 726

Revised Code in a percentage at least equal to the percentage of 727  
funds so allocated in fiscal year 2019 as determined by the 728  
director of commerce, but not more than fifty per cent. ~~Out of~~ 729  
~~the remaining half, after~~ 730

After allocation of sufficient moneys to the minority 731  
business bonding fund to meet the provisions of division (B) of 732  
this section, ~~the remainder funds~~ shall be allocated on the 733  
records of the director to the housing development fund created 734  
by division (A) of section 175.11 of the Revised Code in a 735  
percentage at least equal to the percentage of funds so 736  
allocated in fiscal year 2019 as determined by the director of 737  
commerce, but not more than fifty per cent. 738

(B) The director shall serve as agent for the director of 739  
development and as agent for the Ohio housing finance agency in 740  
making deposits and withdrawals and maintaining records 741  
pertaining to the minority business bonding fund created by 742  
section 122.88 of the Revised Code, the mortgage insurance fund, 743  
and the housing development fund created by section 175.11 of 744  
the Revised Code. Funds from the mortgage insurance fund are 745  
available to the director of development when those funds are to 746  
be disbursed to prevent or cure, or upon the occurrence of, a 747  
default of a mortgage insured pursuant to section 122.451 of the 748  
Revised Code. Funds from the housing development fund are 749  
available upon request to the Ohio housing finance agency, in an 750  
amount not to exceed the funds allocated on the records of the 751  
director, for the purposes of section 175.05 of the Revised 752  
Code. Funds from the minority business bonding fund are 753  
available to the director of development upon request to pay 754  
obligations on bonds the director writes pursuant to section 755  
122.88 of the Revised Code; except that, unless the general 756  
assembly authorizes additional amounts, the total maximum amount 757

of moneys that may be allocated to the minority business bonding  
fund under this ~~division section~~ is ten million dollars.

When funds are to be disbursed, the appropriate agency  
shall call upon the director to transfer the necessary funds to  
it. ~~The director shall first withdraw the funds paid by the~~  
~~holders and deposited with the treasurer of state or in a~~  
~~financial institution as agent for the funds. Whenever these~~  
~~funds are inadequate to meet the request, the director shall~~  
~~provide for a withdrawal of funds, within a reasonable time and~~  
~~in the amount necessary to meet the request, from financial~~  
~~institutions in which the funds were retained or placed by a~~  
~~holder and from other holders who have retained funds, in an~~  
~~equitable manner as the director prescribes. In the event that~~  
~~the amount to be withdrawn from any one holder is less than five~~  
~~hundred dollars, the amount to be withdrawn is at the director's~~  
~~discretion. The director shall then transfer to the agency the~~  
~~amount of funds requested.~~

Funds deposited in the unclaimed funds trust fund are  
subject to call by the director when necessary to pay claims the  
director allows under section 169.08 of the Revised Code, in  
accordance with the director's rules, to defray the necessary  
costs of making publications this chapter requires and to pay  
other operating and administrative expenses the department of  
commerce incurs in the administration and enforcement of this  
chapter.

The unclaimed funds trust fund shall be assessed a  
proportionate share of the administrative costs of the  
department of commerce in accordance with procedures the  
director of commerce prescribes and the director of budget and  
management approves. The assessment shall be paid from the

unclaimed funds trust fund to the division of administration	788
fund.	789
(C) <del>Earnings on the accounts in financial organizations to the credit of the mortgage funds shall, at the option of the financial organization, be credited to the accounts at times and at rates as earnings are paid on other accounts of the same classification held in the financial organization or paid to the director. The director shall be notified annually, and at other times as the director may request, of the amount of the earnings credited to the accounts. Interest on unclaimed funds a holder retains shall be paid to the director or credited as specified in the agreement under which the organization retains the funds. Interest payable to the director under an agreement to invest unclaimed funds in income bearing accounts or obligations of the United States shall be paid annually by the holder to the director. Any earnings or interest the director receives under this division shall be deposited in and credited to the mortgage funds. The director of budget and management shall transfer the amount of any unclaimed funds described in division (S) of section 169.02 of the Revised Code to the unclaimed funds trust fund in the manner required under division (F) of section 126.37 of the Revised Code.</del>	790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809
<b><u>Sec. 169.052.</u></b> (A) When an item owned by an individual who died a resident of this state has been reported to the director of commerce as unclaimed funds pursuant to this chapter, the director, not sooner than forty-five days after the death of the owner, shall distribute the item or pay the amount being held by the director, plus any interest due, pursuant to section 169.08 of the Revised Code, without requiring letters testamentary or letters of administration to be issued upon the estate of the deceased owner, or an Ohio estate tax release, where all the	810 811 812 813 814 815 816 817 818

following conditions are met:

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(1) The item of unclaimed funds is valued at not more than  
five thousand dollars.

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(2) The person claiming the item is the surviving spouse,  
any one or more of the deceased owner's natural born or adopted  
children eighteen years of age or older, or the parent of the  
deceased owner, with preference given in that order.

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(3) Either of the following is met:

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(a) An executor or administrator of the deceased owner's  
estate has not been appointed and no petition for the  
appointment of an executor, administrator, or personal  
representative is pending in any jurisdiction.

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(b) The executor, administrator, or personal  
representative has been discharged and two or more years have  
elapsed since a closing statement has been filed.

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(4) The person seeking to claim the item provides the  
director all of the following:

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(a) A certified death certificate of the deceased owner;

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(b) A sworn affidavit under penalty of perjury setting  
forth the relationship of the claimant to the deceased owner,  
the existence or nonexistence of a duly appointed executor,  
administrator, or personal representative of the deceased  
owner's estate, and a list of any other persons that may be  
entitled under this section to claim the item;

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(c) Other information or documentary evidence the director  
determines necessary to distribute the property or pay funds  
under this section to the proper person.

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<u>(5) The person seeking to claim the item under division</u>	846
<u>(A) of this section presents to the director an affidavit</u>	847
<u>requesting that the director release the item along with a list</u>	848
<u>of the deceased owner's successors. The affidavit shall include</u>	849
<u>all of the following information:</u>	850
<u>(a) The deceased owner's name;</u>	851
<u>(b) The date and place of the deceased owner's death;</u>	852
<u>(c) A statement that more than forty-five days have passed</u>	853
<u>since the deceased owner's death;</u>	854
<u>(d) A statement that either:</u>	855
<u>(i) An executor, administrator, or personal representative</u>	856
<u>of the deceased owner has not been appointed and no petition for</u>	857
<u>the appointment of an executor, administrator, or personal</u>	858
<u>representative is pending in any jurisdiction.</u>	859
<u>(ii) The executor, administrator, or personal</u>	860
<u>representative has been discharged and two or more years have</u>	861
<u>elapsed since a closing statement has been filed.</u>	862
<u>(e) A description and dollar value of the item in the</u>	863
<u>director's custody, not exceeding five thousand dollars to be</u>	864
<u>paid, transferred, or delivered to the claimant;</u>	865
<u>(f) A statement that the claimant is the deceased owner's</u>	866
<u>successor and that specifies the claimant's relationship to the</u>	867
<u>deceased owner;</u>	868
<u>(g) A statement that the claimant is authorized to act on</u>	869
<u>behalf of the deceased owner's successor with respect to the</u>	870
<u>decedent's interest in the item, as applicable;</u>	871
<u>(h) The following statement: "No other person has a</u>	872

<u>superior right to the interest of the decedent in the described property."</u>	873 874
<u>(i) A statement that the claimant requests that the item be paid, delivered, or transferred to the claimant;</u>	875 876
<u>(j) The claimant's affirmation under penalty of perjury that the foregoing affidavit is true and correct.</u>	877 878
<u>(B) If the director determines the claimant to be a person entitled to claim the item, the director shall distribute the item or pay the amount being held by the director. By this distribution or payment, the director shall be released to the same extent as if distribution or payment had been made to a duly appointed executor, administrator, or personal representative of the deceased owner. The director shall not be required to oversee the application of the payment, delivery, or transfer made.</u>	879 880 881 882 883 884 885 886 887
<u>(C) The payment, delivery, or transfer of the unclaimed funds due the deceased owner under this section is a full discharge and release to the director from any claim for the funds or property paid, delivered, or transferred. Any claimant to whom payment is made shall be liable to anyone prejudiced by an improper distribution, transfer, or payment.</u>	888 889 890 891 892 893
<b>Sec. 169.07.</b> (A) Upon the payment of unclaimed funds to the director of commerce under section 169.05 of the Revised Code the holder will be relieved of further responsibility for the safe-keeping thereof and will be held harmless by the state from any and all liabilities for any claim arising out of the transfer of such funds to the state.	894 895 896 897 898 899
(B) If legal proceedings are instituted against a holder which has paid unclaimed funds to the director <del>or entered into</del>	900 901

~~an agreement as provided in section 169.05 of the Revised Code in respect to such funds,~~ such holder shall notify the director in writing of the pendency of such proceedings and the director shall intervene and assume the defense of such proceedings.

Failure to give such notice shall absolve the state from any and all liability which it may have with regard to such funds. If judgment is entered against such holder, the director shall, upon proof of satisfaction of such judgment, forthwith reimburse such organization for the amount of the judgment ~~or enter into an agreement modified to reflect the satisfaction of such judgment, if the holder retained such funds,~~ and shall reimburse such holder for any legal fees, costs and other expenses incurred in such proceedings in the manner provided for the payment of claims under divisions (D) and (E) of section 169.08 of the Revised Code.

**Sec. 169.08.** (A) The director shall pay to the owner or other person who has established the right to payment under this section, funds from the unclaimed funds trust fund in an amount equal to the amount of property delivered or reported to the director, or equal to the net proceeds if the securities or other property have been sold, together with interest earned by the state if required to be paid under division (D) of this section. Any person claiming a property interest in unclaimed funds delivered or reported to the state under Chapter 169. of the Revised Code, including the office of child support in the department of job and family services, pursuant to section 3123.88 of the Revised Code, may file a claim thereto on the form prescribed by the director of commerce.

(B) The director shall consider matters relevant to any claim filed under division (A) of this section and shall hold a formal hearing if requested or considered necessary and receive

evidence concerning such claim. A finding and decision in  
writing on each claim filed shall be prepared, stating the  
substance of any evidence received or heard and the reasons for  
allowance or disallowance of the claim. The evidence and  
decision shall be a public record. No statute of limitations  
shall bar the allowance of a claim.

(C) For the purpose of conducting any hearing, the  
director may require the attendance of such witnesses and the  
production of such books, records, and papers as the director  
desires, and the director may take the depositions of witnesses  
residing within or without this state in the same manner as is  
prescribed by law for the taking of depositions in civil actions  
in the court of common pleas, and for that purpose the director  
may issue a subpoena for any witness or a subpoena duces tecum  
to compel the production of any books, records, or papers,  
directed to the sheriff of the county where such witness resides  
or is found, which shall be served and returned. The fees of the  
sheriff shall be the same as that allowed in the court of common  
pleas in criminal cases. Witnesses shall be paid the fees and  
mileage provided for under section 119.094 of the Revised Code.  
Fees and mileage shall be paid from the unclaimed funds trust  
fund.

(D) Interest earned by the state shall be payable to  
claimants of unclaimed funds held by the state in accordance  
with final court orders derived from the *Sogg v. Zurz*, 121 Ohio  
St.3d 449 (2009), line of cases and final settlement agreement  
determining payment of interest on unclaimed funds. For  
properties received by the state on or before July 26, 1991,  
interest shall be paid at a rate of six per cent per annum from  
the date the state received the property up to and including  
July 26, 1991. No interest shall be payable on any properties

for the period from July 27, 1991, up to and including August 2, 964  
2000. For properties held by the state on August 3, 2000, or 965  
after, interest shall be paid at the applicable required rate 966  
per annum for the period held from August 3, 2000, or the date 967  
of receipt, whichever is later, up to and including the date the 968  
claim is paid. 969

(E) Claims shall be paid from the trust fund. If the 970  
amount available in the trust fund is not sufficient to pay 971  
pending claims, or other amounts disbursable from the trust 972  
fund, the treasurer of state shall certify such fact to the 973  
director, who shall then withdraw such amount of funds from the 974  
mortgage ~~accounts-funds~~ as the director determines necessary to 975  
reestablish the trust fund to a level required to pay 976  
anticipated claims but not more than ten per cent of the net 977  
unclaimed funds reported to date. 978

The director may withdraw the funds paid to the director 979  
by the holders and deposited by the director with the treasurer 980  
of state ~~or in a financial institution as agent for such funds.~~ 981  
~~Whenever these funds are inadequate to meet the requirements for~~ 982  
~~the trust fund, the director shall provide for a withdrawal of~~ 983  
~~funds, within a reasonable time, in such amount as is necessary~~ 984  
~~to meet the requirements, from financial institutions in which~~ 985  
~~such funds were retained or placed by a holder and from other~~ 986  
~~holders who have retained funds, in an equitable manner as~~ 987  
~~prescribed by the director. In the event that the amount to be~~ 988  
~~withdrawn from any one such holder is less than five hundred~~ 989  
~~dollars, the amount to be withdrawn shall be at the discretion~~ 990  
~~of the director. Such funds may be reimbursed in the amounts~~ 991  
~~withdrawn when the trust fund has a surplus over the amount~~ 992  
~~required to pay anticipated claims. Whenever the trust fund has~~ 993  
a surplus over the amount required to pay anticipated claims, 994

the director may transfer such surplus to the mortgage accounts  
funds. 995  
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(F) ~~If a claim which is allowed under this section relates~~ 997  
~~to funds which have been retained by the reporting holder, and~~ 998  
~~if the funds, on deposit with the treasurer of state pursuant to~~ 999  
~~this chapter, are insufficient to pay claims, the director may~~ 1000  
~~notify such holder in writing of the payment of the claim and~~ 1001  
~~such holder shall immediately reimburse the state in the amount~~ 1002  
~~of such claim. The reimbursement shall be credited to the~~ 1003  
~~unclaimed funds trust fund.~~ 1004

(G) Any person, including the office of child support, 1005  
adversely affected by a decision of the director may appeal such 1006  
decision in the manner provided in Chapter 119. of the Revised 1007  
Code. 1008

In the event the claimant prevails, the claimant shall be 1009  
reimbursed for reasonable attorney's fees and costs. 1010

(H) ~~Notwithstanding anything to the contrary in this~~ 1011  
~~chapter, any holder who has paid moneys to or entered into an~~ 1012  
~~agreement with the director pursuant to section 169.05 of the~~ 1013  
~~Revised Code on certified checks, cashiers' checks, bills of~~ 1014  
~~exchange, letters of credit, drafts, money orders, or travelers'~~ 1015  
~~checks, may make payment to any person entitled thereto,~~ 1016  
~~including the office of child support, and upon surrender of the~~ 1017  
~~document, except in the case of travelers' checks, and proof of~~ 1018  
~~such payment, the director shall reimburse the holder for such~~ 1019  
~~payment without interest.~~ 1020

**Sec. 169.09.** The director of commerce shall make adopt, in 1021  
accordance with Chapter 119. of the Revised Code, necessary 1022  
rules that prescribe uniform methods for conducting unclaimed 1023

funds audits under section 169.03 of the Revised Code and for 1024  
determining when such an audit is appropriate, and may make 1025  
adopt necessary rules to carry out any other duty imposed upon 1026  
the director by this chapter. 1027

The director shall adopt rules regarding the liquidation 1028  
and disposition of any tangible property the director receives 1029  
in the course of administering this chapter that the director, 1030  
following all reasonable efforts, is unable to return to the 1031  
sender or owner. Any proceeds from the sale of the property 1032  
shall be deposited into the unclaimed funds trust fund created 1033  
in section 169.05 of the Revised Code and shall be treated as 1034  
unclaimed funds. 1035

**Sec. 169.091.** Within one year of the effective date of 1036  
this section, the director of commerce shall cause to be created 1037  
and maintained a method by which online reporting and claiming 1038  
of unclaimed funds may be accomplished. 1039

**Sec. 169.10.** (A) No person or holder shall knowingly fail 1040  
to render any report or perform other duties required under 1041  
Chapter 169. of the Revised Code. 1042

(B) No person or holder shall knowingly refuse to pay or 1043  
deliver unclaimed funds to ~~or enter into an agreement with the~~ 1044  
director of commerce as required under section 169.05 of the 1045  
Revised Code. 1046

**Sec. 169.12.** (A) Whoever knowingly violates section 169.03 1047  
of the Revised Code by failure to report unclaimed funds by the 1048  
date prescribed therefor may be subject to a civil penalty of 1049  
one hundred dollars per day. 1050

(B) Whoever violates section 169.03 of the Revised Code by 1051  
failure to file an unclaimed funds report upon request within 1052

four months of the date of such request shall be subject to a 1053  
civil penalty of one hundred dollars per day, which may be in 1054  
addition to the other civil penalties provided for in this 1055  
section. 1056

(C) Unclaimed funds not paid ~~or made the subject of an~~ 1057  
~~agreement with to~~ the director of commerce as provided in 1058  
sections 169.03 and 169.05 of the Revised Code either because 1059  
they were not reported or they were underreported or when 1060  
reported were not paid ~~or not made the subject of the required~~ 1061  
~~agreement~~ shall have added thereto interest from the date 1062  
prescribed for such payment ~~or agreement~~ until the date 1063  
settlement is made. Such interest shall, if the holder is a 1064  
financial institution, be the best available, nonnegotiable, 1065  
retail time deposit base rate offered by that financial 1066  
institution in the calendar year previous to the date of 1067  
discovery of the violation, or if the holder is not a financial 1068  
institution, be the best available six-month treasury bill rate 1069  
offered in the calendar year previous to the date of discovery 1070  
of violation. In addition, a civil penalty of one per cent of 1071  
the amount of unclaimed funds not reported, underreported, or on 1072  
which settlement has not been made shall be imposed for each 1073  
month from the date prescribed for such reporting and payment ~~or~~ 1074  
~~agreement~~ until such required settlement is made, except that 1075  
such penalty shall not be imposed for more than twenty-five 1076  
months. 1077

(D) In determining interest and penalties due in respect 1078  
to intangible property, such property will be valued at the 1079  
market value as of the date prescribed for reporting and payment 1080  
in sections 169.03 and 169.05 of the Revised Code. If no market 1081  
value is determinable such property shall be valued as of the 1082  
same date on the basis used by the department of taxation. 1083

(E) If any person refuses to report or settle with the director as required under this chapter, the director may bring an action in the court having jurisdiction in the county where the holder resides or has ~~his~~ the holder's principal place of business or is engaged in business, to enforce such reporting or settlement requirements and to recover interest and penalties due. 1084  
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The director may waive part or all of the civil penalties provided for in this section for good cause shown and shall waive such civil penalties upon a showing that a holder had reasonable grounds for not complying with this chapter. 1091  
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**Sec. 169.18.** (A) With regard to documents and information, including otherwise confidential or privileged documents and information, relating to an owner, holder, or item of unclaimed funds: 1095  
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(1) The director of commerce shall share such documents and information with, and receive such documents and information from, local, state, and federal regulatory and law enforcement agencies and local, state, and federal prosecutors. 1099  
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(2) Local and state regulatory and law enforcement agencies and local and state prosecutors shall share such documents and information with, and receive such documents and information from, the director of commerce. 1103  
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(B) The director, local and state regulatory and law enforcement agencies, and local and state prosecutors shall maintain as confidential or privileged, and shall not release except as specifically authorized by law, any document or information received with notice or the understanding that the document or information is confidential or privileged under the 1107  
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laws of the jurisdiction that is the source of the document or 1113  
information. 1114

(C) The director shall maintain as confidential or 1115  
privileged, and shall not release except as specifically 1116  
authorized by law, the documents and information received 1117  
pursuant to this section. 1118

**Sec. 5703.21.** (A) Except as provided in divisions (B) and 1119  
(C) of this section, no agent of the department of taxation, 1120  
except in the agent's report to the department or when called on 1121  
to testify in any court or proceeding, shall divulge any 1122  
information acquired by the agent as to the transactions, 1123  
property, or business of any person while acting or claiming to 1124  
act under orders of the department. Whoever violates this 1125  
provision shall thereafter be disqualified from acting as an 1126  
officer or employee or in any other capacity under appointment 1127  
or employment of the department. 1128

(B) (1) For purposes of an audit pursuant to section 117.15 1129  
of the Revised Code, or an audit of the department pursuant to 1130  
Chapter 117. of the Revised Code, or an audit, pursuant to that 1131  
chapter, the objective of which is to express an opinion on a 1132  
financial report or statement prepared or issued pursuant to 1133  
division (A) (7) or (9) of section 126.21 of the Revised Code, 1134  
the officers and employees of the auditor of state charged with 1135  
conducting the audit shall have access to and the right to 1136  
examine any state tax returns and state tax return information 1137  
in the possession of the department to the extent that the 1138  
access and examination are necessary for purposes of the audit. 1139  
Any information acquired as the result of that access and 1140  
examination shall not be divulged for any purpose other than as 1141  
required for the audit or unless the officers and employees are 1142

required to testify in a court or proceeding under compulsion of  
legal process. Whoever violates this provision shall thereafter  
be disqualified from acting as an officer or employee or in any  
other capacity under appointment or employment of the auditor of  
state.

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(2) For purposes of an internal audit pursuant to section  
126.45 of the Revised Code, the officers and employees of the  
office of internal audit in the office of budget and management  
charged with directing the internal audit shall have access to  
and the right to examine any state tax returns and state tax  
return information in the possession of the department to the  
extent that the access and examination are necessary for  
purposes of the internal audit. Any information acquired as the  
result of that access and examination shall not be divulged for  
any purpose other than as required for the internal audit or  
unless the officers and employees are required to testify in a  
court or proceeding under compulsion of legal process. Whoever  
violates this provision shall thereafter be disqualified from  
acting as an officer or employee or in any other capacity under  
appointment or employment of the office of internal audit.

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(3) As provided by section 6103(d)(2) of the Internal  
Revenue Code, any federal tax returns or federal tax information  
that the department has acquired from the internal revenue  
service, through federal and state statutory authority, may be  
disclosed to the auditor of state or the office of internal  
audit solely for purposes of an audit of the department.

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(4) For purposes of Chapter 3739. of the Revised Code, an  
agent of the department of taxation may share information with  
the division of state fire marshal that the agent finds during  
the course of an investigation.

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(C) Division (A) of this section does not prohibit any of the following:	1173 1174
(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;	1175 1176 1177 1178 1179
(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;	1180 1181 1182
(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;	1183 1184 1185 1186 1187
(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	1188 1189 1190
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	1191 1192 1193
(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;	1194 1195 1196 1197
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031	1198 1199 1200 1201

of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	1202 1203 1204 1205 1206
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	1207 1208 1209
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;	1210 1211 1212 1213 1214
(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;	1215 1216
(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;	1217 1218 1219 1220 1221
(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with section 5749.02 of the Revised Code or to allow the department of natural resources to enforce Chapter 1509. of the Revised Code;	1222 1223 1224 1225 1226 1227
(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of	1228 1229 1230

taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.	1231 1232 1233 1234 1235 1236
(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's compliance with section 5747.063 or 5753.02 of the Revised Code and sections related thereto;	1237 1238 1239 1240 1241
(15) Disclosing to the state lottery commission information in the possession of the department of taxation that is necessary to verify a lottery sales agent's compliance with section 5747.064 of the Revised Code.	1242 1243 1244 1245
(16) Disclosing to the development services agency information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the development services agency for the purpose of evaluating potential tax credits, grants, or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No officer, employee, or agent of the development services agency shall disclose any information provided to the development services agency by the department of taxation under division (C)(16) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential tax credits, grants, or loans.	1246 1247 1248 1249 1250 1251 1252 1253 1254 1255 1256 1257 1258 1259 1260

(17) Disclosing to the department of insurance information in the possession of the department of taxation that is necessary to ensure a taxpayer's compliance with the requirements with any tax credit administered by the development services agency and claimed by the taxpayer against any tax administered by the superintendent of insurance. No officer, employee, or agent of the department of insurance shall disclose any information provided to the department of insurance by the department of taxation under division (C) (17) of this section.	1261 1262 1263 1264 1265 1266 1267 1268 1269
(18) Disclosing to the division of liquor control information in the possession of the department of taxation that is necessary for the division and department to comply with the requirements of sections 4303.26 and 4303.271 of the Revised Code;	1270 1271 1272 1273 1274
<u>(19) Disclosing to the director of commerce documents and information the director is authorized to receive under section 169.18 of the Revised Code.</u>	1275 1276 1277
<b>Section 2.</b> That existing sections 122.58, 126.37, 169.01, 169.02, 169.03, 169.05, 169.07, 169.08, 169.09, 169.10, 169.12, and 5703.21 of the Revised Code are hereby repealed.	1278 1279 1280
<b>Section 3.</b> Every holder of an item of unclaimed funds valued at one hundred dollars or more as of the effective date of this act shall deliver each such item to the Director of Commerce not later than one year following the effective date of this act.	1281 1282 1283 1284 1285