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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



## ENROLLED

Committee Substitute for  
SENATE BILL NO. 55

(By Senator Humphreys)



PASSED March 12, 1994  
In Effect 90 days from Passage

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 55**

(SENATOR HUMPHREYS, *original sponsor*)

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[Passed March 12, 1994; in effect ninety days from passage.]

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AN ACT to amend and reenact sections eight and nine, article eight, chapter thirty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to stale dated checks held by state, local or federal entities; including stale dated checks as intangible property under the uniform disposition of unclaimed property act; relating to money order abandonment; and establishing time period for a presumption of abandonment of money orders as seven years.

*Be it enacted by the Legislature of West Virginia:*

That sections eight and nine, article eight, chapter thirty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. UNIFORM DISPOSITION OF UNCLAIMED PROPERTY  
ACT.**

**§36-8-8. Property held by courts and public officers and agencies.**

1 (a) All intangible personal property, including stale  
2 dated checks, held for the owner by any state or  
3 federal court, public corporation, public authority or  
4 public officer in this state, or a political subdivision  
5 thereof, that has remained unclaimed by the owner  
6 for more than five years is presumed abandoned:  
7 *Provided*, That this provision shall in no way affect  
8 such property in the custody or control of any state or  
9 federal court in any pending action: *Provided, howev-*  
10 *er*, That if any federal statute provides for the distri-  
11 bution of any unclaimed property subject to the  
12 jurisdiction of a federal court, this statute shall not  
13 apply.

14 (b) Notwithstanding the provisions of subsection (a)  
15 of this section, all intangible personal property in the  
16 custody or control of a general receiver of a state court  
17 of record appointed pursuant to the provisions of  
18 article six, chapter fifty-one of this code, that has  
19 remained unclaimed by the owner for more than five  
20 years is presumed abandoned: *Provided*, That any  
21 such property in the custody or control of any such  
22 general receiver in which there is any contingent  
23 remainder interest, or any vested remainder interest  
24 which is subject to open to let in persons not yet in  
25 being or to open to let in members of any class, or any  
26 executory interest, or executory devise interest, or any  
27 base, qualified, conditional or limited fee estate or  
28 interest, or any other qualified, conditional, limited or  
29 determinable estate or interest, shall not be presumed  
30 abandoned until such property has remained  
31 unclaimed for more than five years after such estate  
32 or interest has vested or any such class has closed and  
33 the persons entitled to such property have been  
34 determined.

**§36-8-9. Miscellaneous personal property held for another person; exception; prohibiting the levying of charges on inactive savings account.**

1 (a) All personal property not otherwise covered by

2 this article, including any income or increment there-  
3 on and after deducting any lawful charges, that is held  
4 or owing in this state in the ordinary course of the  
5 holder's business and has remained unclaimed by the  
6 owner for more than five years after it became  
7 payable or distributable is presumed abandoned:  
8 *Provided*, That this section shall not apply to such  
9 property held or owing by a utility prior to the year  
10 one thousand nine hundred fifty-seven: *Provided*,  
11 *however*, That notwithstanding the provisions of  
12 section two of this article, no banking or other finan-  
13 cial organization or institution shall, after the effective  
14 date of this section, demand, collect, charge or contract  
15 to receive any charge due to dormancy or inactivity on  
16 any interest bearing savings or time deposit for any  
17 period of time prior to the withdrawal of such funds  
18 by the depositor, his personal agent or representative,  
19 or the accrual under this article of the right of the  
20 state to deposit or sell as abandoned property any such  
21 deposit. For purposes of this proviso, any interest  
22 bearing savings or time deposit shall be deemed to be  
23 dormant or inactive if the depositor, his personal agent  
24 or representative has not within the immediately  
25 preceding two years increased or decreased the  
26 amount of the deposit.

27 (b) Any amount held by any organization for the  
28 payment of a money order on which such organization  
29 is directly liable shall be presumed abandoned if such  
30 amount is held or owing for payment of a money  
31 order which may have been outstanding for more than  
32 seven years from the date of its sale.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Handwritten Signature]*  
.....  
Chairman Senate Committee

*[Handwritten Signature]*  
.....  
Ernest E. Moore  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage

*[Handwritten Signature]*  
.....  
Clerk of the Senate

*[Handwritten Signature]*  
.....  
Clerk of the House of Delegates

*[Handwritten Signature]*  
.....  
President of the Senate

*[Handwritten Signature]*  
.....  
Speaker House of Delegates

The within *is approved* this the *30th*  
*May*  
day of ....., 1994.

*[Handwritten Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3-22-94

Time 2:05