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HOUSE BILL NO. 1606

House Amendments in [ ] - January 24, 2025

A BILL to amend and reenact § 55.1-2532 of the Code of Virginia, relating to claims to unclaimed property; authority of administrator [ ; emergency ] .

Patron Prior to Engrossment—Delegate Hernandez

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-2532 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-2532. Filing claim to property or proceeds of sale of such property.

A. Any person claiming an interest in any property delivered to the Commonwealth under this chapter may file a claim to such property or to the proceeds from the sale of such property on a form prescribed by the administrator. The administrator shall also be authorized to make payments pursuant to this chapter without having received a claim, provided that (i) the property is cash property, (ii) the apparent owner is a natural person and is the sole owner of such property, (iii) the identity of such apparent owner has been verified by the administrator, and (iv) the amount to be paid does not exceed \$5,000.

B. Notwithstanding any other provision of law, any person claiming an interest in any property delivered to the Commonwealth under this chapter for a reported owner who is deceased shall submit evidence of the claimant's entitlement to payment together with a form prescribed by the administrator. In order of preference, such evidence may include (i) a certificate of qualification as the executor or an order of appointment as the administrator or personal representative of the decedent's estate under the laws of the state of the decedent's domicile; (ii) if applicable, an affidavit authorizing the claimant to be the designated successor under the Virginia Small Estate Act (§ 64.2-600 et seq.), or its equivalent under the laws of the state of the decedent's domicile that names the claimant as the designated successor; or (iii) the order of distribution or the final accounting for a closed estate that reflects payment due in whole or in part to the claimant. When, in the absence of any such evidence, (a) the death of the reported owner occurred at least one year prior to filing the claim and (b) the amount claimed is \$25,000 or less, exclusive of any interest owed pursuant to subsection C of § 55.1-2533, the administrator may allow the claimant to submit an affidavit stating the claimant's entitlement to payment in the absence of sufficient documentation, and the administrator may approve the claim in his discretion, returning or paying all or the appropriate share of the deceased owner's property to the claimant. The administrator may pay or deliver all of the deceased owner's property to a claimant who submits the prescribed affidavit evidencing his agreement to receive and distribute the property to the other rightful heirs or beneficiaries and acknowledging his assumption of liability to those beneficiaries or heirs for failure to do so.

C. Notwithstanding any other provision of law, when paying or delivering unclaimed property under subsection B to a claimant who is not authorized to represent the decedent's estate as the personal representative or the designated successor or the equivalent, the administrator is discharged and released to the same extent as if the administrator dealt with the authorized representative or designated successor for the decedent's estate. The administrator shall deny any subsequent claim to the same property. Any person subsequently claiming an equal or superior right to the deceased owner's property whose claim is denied by the administrator for this reason may seek redress from the claimant to whom payment was made.

D. The administrator shall develop and make available a plain English explanation of a person's right to make a claim, in accordance with the provisions of this section, for property delivered to the Commonwealth in cases where the reported owner of the property is deceased. The administrator shall also post such document on the Department of the Treasury's website.

[ 2. That an emergency exists and this act is in force from its passage. ]

ENGROSSED

HB1606E