

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 812 Session of
2005

INTRODUCED BY THOMPSON, ROBBINS, STOUT AND WOZNIAK,
JUNE 28, 2005

REFERRED TO FINANCE, JUNE 28, 2005

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,
2 as amended, "An act relating to the finances of the State
3 government; providing for the settlement, assessment,
4 collection, and lien of taxes, bonus, and all other accounts
5 due the Commonwealth, the collection and recovery of fees and
6 other money or property due or belonging to the Commonwealth,
7 or any agency thereof, including escheated property and the
8 proceeds of its sale, the custody and disbursement or other
9 disposition of funds and securities belonging to or in the
10 possession of the Commonwealth, and the settlement of claims
11 against the Commonwealth, the resettlement of accounts and
12 appeals to the courts, refunds of moneys erroneously paid to
13 the Commonwealth, auditing the accounts of the Commonwealth
14 and all agencies thereof, of all public officers collecting
15 moneys payable to the Commonwealth, or any agency thereof,
16 and all receipts of appropriations from the Commonwealth,
17 authorizing the Commonwealth to issue tax anticipation notes
18 to defray current expenses, implementing the provisions of
19 section 7(a) of Article VIII of the Constitution of
20 Pennsylvania authorizing and restricting the incurring of
21 certain debt and imposing penalties; affecting every
22 department, board, commission, and officer of the State
23 government, every political subdivision of the State, and
24 certain officers of such subdivisions, every person,
25 association, and corporation required to pay, assess, or
26 collect taxes, or to make returns or reports under the laws
27 imposing taxes for State purposes, or to pay license fees or
28 other moneys to the Commonwealth, or any agency thereof,
29 every State depository and every debtor or creditor of the
30 Commonwealth," further providing for property held by courts
31 and public officers and agencies.

32 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 1301.9 of the act of April 9, 1929
3 (P.L.343, No.176), known as The Fiscal Code, amended December
4 23, 2003 (P.L.243, No.45), is amended to read:

5 Section 1301.9. Property Held by Courts and Public Officers
6 and Agencies.--The following property is presumed abandoned and
7 unclaimed:

8 1. Except as provided in [clause 2 or 6] clauses 2 and 2.1
9 or clause 6, all property held for the owner by any court,
10 public corporation, public authority or instrumentality of the
11 United States, the Commonwealth, or any other state, or by a
12 public officer or political subdivision thereof, unclaimed by
13 the owner for more than seven (7) years from the date it first
14 became demandable or distributable.

15 2. Bicycles held for the owner by a municipality unclaimed
16 by the owner for more than ninety (90) days from the date it
17 first became demandable or distributable.

18 2.1. All tangible property or assets, other than bicycles,
19 held for the owner by a municipality unclaimed by the owner for
20 more than one (1) year from the date it first became demandable
21 or distributable.

22 3. The bicycles held pursuant to clause 2 and tangible
23 property or assets which are held pursuant to clause 2.1 and
24 which the State Treasurer refuses to accept may be disposed of
25 by the municipality to the highest bidder after due notice by
26 advertisement for bids or at public auction at such time and
27 place as may be designated by the municipality or the governing
28 body may, by resolution, donate the bicycles or such tangible
29 property or assets to a charitable organization. Any proceeds
30 from the sale of the bicycles or such tangible property or

1 assets shall be retained by the municipality and used for
2 municipal purposes.

3 4. Bicycles held by or acquired by the Commonwealth for
4 ninety (90) days may be disposed of at public auction at such
5 time and place as may be designated by the State Treasurer.
6 Proceeds of such sale or sales shall be deposited in the General
7 Fund.

8 5. All property held by or subject to the control of any
9 court, public corporation, public authority or instrumentality
10 of the Commonwealth or by a public officer or political
11 subdivision thereof, which is without a rightful or lawful
12 owner, to the extent not otherwise provided for by law, held for
13 more than one year.

14 6. Restitution held for the owner by any court, public
15 corporation, public authority or instrumentality of the
16 Commonwealth, or by a public officer or political subdivision
17 thereof, unclaimed by the owner for more than five (5) years
18 from the date it first became demandable or distributable.

19 Section 2. This act shall take effect in 60 days.