

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 812 Session of
2005INTRODUCED BY THOMPSON, ROBBINS, STOUT AND WOZNIAK,
JUNE 28, 2005

SENATOR EARLL, FINANCE, AS AMENDED, MAY 3, 2006

AN ACT

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

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)~~ FIVE (5) years from the date <—
14 it first 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~~ THREE (3) YEARS from the date it first <—
21 became demandable 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 IN WRITING to accept <—
25 may be disposed of by the municipality to the highest bidder after due
26 notice by advertisement for bids or at public auction at such
27 time and place as may be designated by the municipality or the
28 governing body may, by resolution, donate the bicycles or such
29 tangible property ~~or assets~~ to a charitable organization. Any <—
30 proceeds from the sale of the bicycles or such tangible property

1 ~~or 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.