



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	75
VAC Chapter Number:	40
Regulation Title:	Unclaimed Property Administrative Review Process
Action Title:	Promulgate new regulation governing the unclaimed property administrative review process.
Date:	11/18/02

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

This regulation addresses the process whereby any person asserting ownership of property remitted to the Commonwealth or any holder of unclaimed property who is required to report and remit such property under the provisions of the Uniform Disposition of Unclaimed Property Act (Chapter 11.1, §§ 55-210.1 through 55-210.30 of the *Code of Virginia*) and who is aggrieved by a decision of the Administrator of the Act, may file an application for an administrative review of the Administrator's decision. The goal is to set forth a standard procedure to be followed and a form to be used when disputes regarding claims and remittances occur.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Promulgation of this regulation is required by § 55-210.27 of the *Code of Virginia*. This regulation complies with the statutory requirement and applies to all parties who may be impacted by the Uniform Disposition of Unclaimed Property Act.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

This regulation allows any person or holder of unclaimed property the opportunity for an administrative review of a decision made by the Administrator of the Uniform Disposition of Unclaimed Property Act whereby (1) a denial of payment decision notice was issued to a person asserting ownership of property remitted to the Commonwealth where it was determined the evidence submitted did not provide sufficient proof of ownership or (2) a demand notice was issued requesting that a holder pay and deliver such property to the Commonwealth as required by the Act along with such penalties and interest, if any, as required by the Act. The application for an administrative review must be filed within 90 days from the date such notice is received. The review panel has the ability to approve claims made, correct errors detected and amend or withdraw any denial of payment or other notice from the Administrator, based on any additional evidence and pertinent information presented supporting the basis for the review.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

No alternative to promulgating this regulation has been considered since promulgation of this regulation is required by § 55-210.27 of the *Code of Virginia*. Prior to the statutory requirement, such matters were addressed in much the same manner as the statutory requirement by virtue of internal procedures. An alternative would be to remove the language in § 55-210.27 requiring promulgation of the regulation, but to leave the remainder of the language in this section, which outlines the administrative review process to be followed by the Administrator.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children;

2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulatory action will strengthen the protection of owners of unclaimed property by ensuring such property is returned to the rightful owner, thereby increasing potential disposable family income resulting from a return of such property to the owner.