WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1966

ENROLLED

HOUSE BILL No. 285

(By Mr. [Name]
Committee on the Judiciary)

PASSED___________________________1966

In Effect__________________________1967

#205

FILED IN THE OFFICE
HARRIET D. WHITTED
SECRETARY OF STATE
THE DATE 2-14-66
ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 205
(Originating in the House Committee on the Judiciary)

[Passed February 8, 1966; in effect July 1, 1967.]

AN ACT to amend chapter thirty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article eight, relating to the disposition of abandoned and unclaimed personal property; providing for the procedure to follow with respect thereto; and providing penalties.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article eight, to read as follows:

Section 1. Definitions and Use of Terms.—As used in this article, unless the context otherwise requires:

(a) "Banking organization" means any bank, trust company, or a private banker engaged in business in this state, or a banking institution as defined in section one, article four, chapter thirty-one of this code.

(b) "Business association" means any corporation (other than a public corporation), joint stock company, business trust, partnership, or any association for business purposes of two or more individuals.

(c) "Financial organization" means any savings and loan association, building and loan association, industrial loan company, credit union, business association which issues travelers checks, or investment company, engaged in business in this state.

(d) "Holder" means any person in possession of property subject to this article belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this article.
(e) "Life insurance corporation" means any association or corporation transacting within this state the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

(f) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this article, or his legal representative.

(g) "Person" means any individual, business association, government or political subdivision, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity; but shall not include any retirement system supported entirely or in part by the state of West Virginia.

(h) "Utility" means any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.
Sec. 2. Property Held by Banking or Financial Organizations.—The following property held or owing by a banking or financial organization is presumed abandoned:

(a) Any demand, savings or matured time deposit made in this state with a banking organization, together with any interest or dividend thereon, excluding any charges which may lawfully be withheld, if the owner has not within the immediately preceding fifteen years increased or decreased the amount of the deposit: Provided, That notwithstanding the fact that there has been no increase or decrease in the amount of the deposit within said fifteen-year period, there shall be no presumption of abandonment if the owner has within the immediately preceding year:

(1) Presented the pass book or other similar evidence of deposit for the crediting of interest; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization. In any case where the owner has taken
any of the actions specified in (1), (2) or (3) of this subparagraph (a), there shall thereafter be no presumption of abandonment unless and until another fifteen years have passed without any increase or decrease in the amount of the deposit and without any of such actions having been taken in the last year of such further fifteen-year period.

(b) Any funds paid in this state toward the purchase of shares or other interest in a financial organization or any deposit made therewith in this state, and any interest or dividends thereon, excluding any charges that may lawfully be withheld, if the owner has not within the immediately preceding fifteen years increased or decreased the amount of the funds or deposit: Provided, however, That notwithstanding the fact that there has been no increase or decrease in the amount of the funds or deposit within said fifteen-year period, there shall be no presumption of abandonment if the owner has within the immediately preceding year:

(1) Presented an appropriate record for the crediting of interest or dividends; or
Corresponded in writing with the financial organization concerning the funds or deposit; or

Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization.

In any case where the owner has taken any of the actions specified in (1), (2) or (3) of this subparagraph (b), there shall thereafter be no presumption of abandonment unless and until another fifteen years have passed without any increase or decrease in the amount of the funds or deposit and without any of such actions having been taken in the last year of such further fifteen-year period.

Any sum payable on any check certified in this state or on any written instrument issued in this state on which a banking or financial organization is directly liable, including, by way of illustration but not of limitation, a certificate of deposit, draft, and traveler's check, that has been outstanding for more than fifteen years from the date it was payable, or from the date of its issuance if payable on demand, unless the owner has
within the preceding year corresponded in writing with
the banking or financial organization concerning it, or
otherwise indicated an interest as evidenced by a
memorandum on file with the banking or financial
organization.

(d) Any funds or other personal property, tangible
or intangible, removed from a safe deposit box or any
other safekeeping repository in this state on which the
lease or rental period has expired due to nonpayment
of rental charges or other reason, or any surplus amounts
arising from the sale thereof pursuant to law, that have
been unclaimed by the owner for more than fifteen years
from the date on which the lease or rental period expired.

Sec. 3. Unclaimed Funds Held by Life Insurance

Corporations.—(a) Unclaimed funds, as defined in this
section, held and owing by a life insurance corporation
shall be presumed abandoned if the last known address,
according to the records of the corporation, of the person
entitled to the funds is within this state. If a person
other than the insured or annuitant is entitled to the
funds and no address of such person is known to the
corporation or if it is not definite and certain from the
records of the corporation what person is entitled to
the funds, it is presumed that the last known address
of the person entitled to the funds is the same as the
last known address of the insured or annuitant according
to the records of the corporation.

(b) "Unclaimed funds," as used in this section, means
all moneys held and owing by any life insurance corpo-
ration unclaimed and unpaid for more than seven years
after the moneys became due and payable as established
from the records of the corporation under any life or
endowment insurance policy or annuity contract which
has matured or terminated. A life insurance policy not
matured by actual proof of the death of the insured is
deemed to be matured and the proceeds thereof are
deemed to be due and payable if such policy was in
force when the insured attained the limiting age under
the mortality table on which the reserve is based, unless
the person appearing entitled thereto has within the
preceding seven years, (1) assigned, readjusted, or paid
premiums on the policy, or subjected the policy to loan,
or (2) corresponded in writing with the life insurance corporation concerning the policy. Moneys otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

Sec. 4. Deposits and Refunds Held by Utilities.—The following funds held or owing by any utility are presumed abandoned:

(a) Any deposit made subsequent to one thousand nine hundred fifty-seven by a subscriber with a utility to secure payment for, or any sum paid in advance for, utility services to be furnished in this state, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than five years after the termination of the services for which the deposit or advance payment was made.

(b) Any sum which a utility has been ordered to refund and which was received subsequent to one thousand nine hundred fifty-seven for utility services rendered in this state, together with any interest thereon,
17 less any lawful deductions, that has remained unclaimed
18 by the person appearing on the records of the utility
19 entitled thereto for more than five years after the date
20 it became payable in accordance with the final determi-
21 nation or order providing for the refund.

Sec. 5. Undistributed Dividends and Distributions of
2 Business Associations.—Any stock or other certificate of
3 ownership, or any dividend, profit, distribution, interest,
4 payment on principal, or other sum held or owing by a
5 business association for or to a shareholder, certificate
6 holder, member, bondholder, or other security holder, or
7 a participating patron of a cooperative, who has not
8 claimed it, or corresponded in writing with the business
9 association concerning it, within five years after the date
10 prescribed for payment or delivery, is presumed aban-
11 doned if:

12 (a) It is held or owing by a business association organ-
13 ized under the laws of or created in this state; or
14 (b) It is held or owing by a business association doing
15 business in this state, but not organized under the laws
16 of or created in this state, and the records of the busi-
ness association indicate that the last known address of
the person entitled thereto is in this state.

Sec. 6. Property of Business Associations and Banking
or Financial Organizations Held in Course of Dissolution.
—All intangible personal property distributable in the
course of a voluntary dissolution of a business associa-
tion, banking organization, or financial organization
organized under the laws of or created in this state, that
is unclaimed by the owner within one year after the date
for final distribution, is presumed abandoned.

Sec. 7. Property Held by Fiduciaries.—All intangible
personal property and any income or increment thereon,
held in a fiduciary capacity for the benefit of another
person is presumed abandoned unless the owner has,
within five years after the final date for distribution of
such property and the cessation of all active fiduciary
duties as required by law or the instrument under which
the fiduciary is acting, increased or decreased the prin-
cipal, accepted payment of principal or income, corre-
sponded in writing with the fiduciary concerning the
property, or otherwise indicated an interest as evidenced
by a memorandum on file with the fiduciary:

(a) If the property is held by a banking organization or a financial organization, or by a business association organized under the laws of or created in this state; or

(b) If it is held by a business association, doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last known address of the person entitled thereto is in this state; or

(c) If it is held in this state by any other person.

Sec. 8. Property Held by Courts and Public Officers and Agencies.—(a) All intangible personal property held for the owner by any state or federal court, public corporation, public authority, or public officer in this state, or a political subdivision thereof, that has remained unclaimed by the owner for more than five years is presumed abandoned: Provided, however, That this provision shall in no way affect such property in the custody or control of any state or federal court in any pending action: And provided further, That if any federal statute provides for the distribution of any unclaimed property
subject to the jurisdiction of a federal court, this statute shall not apply.

(b) Notwithstanding the provisions of subsection (a) of this section, all intangible personal property in the custody or control of a general receiver of a state court of record appointed pursuant to the provisions of article six, chapter fifty-one of this code, that has remained unclaimed by the owner for more than fifteen years is presumed abandoned: Provided, however, That any such property in the custody or control of any such general receiver in which there is any contingent remainder interest, or any vested remainder interest which is subject to open to let in persons not yet in being or to open to let in members of any class, or any executory interest, or executory devise interest, or any base, qualified, conditional, or limited fee estate or interest, or any other qualified, conditional, limited or determinable estate or interest, shall not be presumed abandoned until such property has remained unclaimed for more than fifteen years after such estate or interest has vested or any such
class has closed and the persons entitled to such prop-
erty have been determined.

Sec. 9. Miscellaneous Personal Property Held for
Another Person.—All intangible personal property not
otherwise covered by this article, including any income or
increment thereon and after deducting any lawful charges,
that is held or owing in this state in the ordinary course
of the holder's business and has remained unclaimed
by the owner for more than five years after it became
payable or distributable is presumed abandoned: Pro-
vided, however, That this section shall not apply to such
property held or owing by a utility prior to one thousand
nine hundred fifty-seven.

Sec. 10. Reciprocity for Property Presumed Abandoned
or Escheated under the laws of Another State.—If specific
property which is subject to the provisions of sections
two, five, six, seven, and nine is held for or owed or
distributable to an owner whose last known address is
in another state by a holder who is subject to the juris-
diction of that state, the specific property is not presumed
abandoned in this state and subject to this article if:
(a) It may be claimed as abandoned or escheated under the laws of such other state; and

(b) The laws of such other state make reciprocal provision that similar specific property is not presumed abandoned or escheatable by such other state when held for or owed or distributable to an owner whose last known address is within this state by a holder who is subject to the jurisdiction of this state.

Sec. 11. Report of Abandoned Property.—(a) Every person holding funds or other property, tangible or intangible, presumed abandoned under this article shall report to the state treasurer with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include:

(1) The name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of fifty dollars or more presumed abandoned under this article;

(2) In case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant
and his last known address according to the life insurance corporation's records;

(3) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under fifty dollars each may be reported in aggregate;

(4) The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property;

and

(5) Other information which the state treasurer prescribes by rule as necessary for the administration of this article.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November first of each year as of June thirtieth next preceding, but the
report of life insurance corporations shall be filed before May first of each year as of December thirty-first next preceding. The state treasurer may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under this article knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, attempt to communicate with the owner so that the owner may take necessary steps to prevent abandonment from being presumed. A notice from the holder to the owner sent to the owner's last known address by United States mail, postage prepaid, shall satisfy the requirements of this subsection (e).

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(g) The initial report filed under this article shall include all items of property which, under the provi-
sions hereof, would have been presumed abandoned on
the effective date of this article had this article been in
effect on July one, one thousand nine hundred fifty-two.

Sec. 12. Notice and Publication of Lists of Abandoned
Property.—(a) Within one hundred twenty days from
the filing of the report required by section eleven, the
state treasurer shall cause notice to be published at least
once each week for two successive weeks in an English
language newspaper of general circulation in the county
in this state in which is located the last known address
of any person to be named in the notice. If no address
is listed or if the address is outside this state, the notice
shall be published in the county in which the holder of
the abandoned property has his principal place of busi-
ness within this state.

(b) The published notice shall be entitled “Notice of
Names of Persons Appearing to Be Owners of Abandoned
Property,” and shall contain:

(1) The names in alphabetical order and last known
addresses, if any, of persons listed in the report and enti-
tled to notice within the county as hereinbefore specified.
(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the state treasurer.

(3) A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within sixty-five days from the date of the second published notice, the abandoned property shall be placed in the custody of the state treasurer, to whom all further claims must thereafter be directed.

(c) The state treasurer is not required to publish in such notice any item of less than fifty dollars unless he deems such publication to be in the public interest.

(d) Within ten days after the first publication of the notice required by subsection (a) of this section, the state treasurer shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of fifty dollars or more presumed abandoned under this article.
(e) The mailed notice shall contain:

(1) A statement that, according to a report filed with the state treasurer, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the state treasurer, to whom all further claims must be directed.

(f) Within five days after the date specified in the published notice, the state treasurer shall mail to each holder a notice specifying the date on which the holder's payment or delivery of abandoned property is due the state treasurer.

Sec. 13. Payment or Delivery of Abandoned Property.

—Every person who has filed a report as provided by section eleven shall within twenty-five days after the time specified in section twelve for claiming the property
from the holder pay or deliver to the state treasurer all
abandoned property specified in the report, except that,
if the owner establishes his right to receive the abandoned
property to the satisfaction of the holder within the
time specified in section twelve, or if it appears that for
some other reason the presumption of abandonment is
erroneous, the holder need not pay or deliver the property,
which will no longer be presumed abandoned, to the state
treasurer, but in lieu thereof shall file a verified written
explanation of the proof of claim or of the error in the
presumption of abandonment.

Sec. 14. Relief from Liability by Payment or Delivery.
—The payment or delivery of property to the state treas-
urer by any holder shall terminate any legal relationship
between the holder and the owner and shall release
and discharge such holder from any and all liability to
the owner, his heirs, personal representatives, successors
and assigns by reason of such delivery or payment, regard-
less of whether such property is in fact and in law aban-
donated property, and such delivery and payment may be
pleaded as a bar to recovery and shall be a conclusive
defense in any suit or action brought by such owner, his heirs, personal representatives, successors and assigns, or any claimant against the holder by reason of such delivery or payment. The state treasurer shall reimburse any holder who cannot be relieved of such liability by this section for all liability to the owner, his heirs, personal representatives, successors and assigns, incurred by reason of any such delivery or payment. The state treasurer shall assume custody and shall be responsible for the safekeeping of any such property paid or delivered to him. Any holder who has paid moneys to the state treasurer pursuant to this article may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the state treasurer shall forthwith reimburse the holder for the payment.

Sec. 15. Income Accruing after Payment of Delivery.

—When property is paid or delivered to the state treasurer under this article, the owner is not entitled to receive income or other increments accruing thereafter.
Sec. 16. Periods of Limitation Not a Bar.—The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this article or to pay or deliver abandoned property to the state treasurer.

Sec. 17. Sale of Abandoned Property.—(a) All abandoned property other than money delivered to the state treasurer under this article shall within one year after the delivery be sold by him to the highest bidder at public sale in whatever city in the state affords in his judgment the most favorable market for the property involved. The state treasurer may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

(b) Any sale held under this section shall be preceded by a single publication of notice thereof, at least three
14 weeks in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold.

17 (c) The purchaser at any sale conducted by the state treasurer pursuant to this article shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The state treasurer shall execute all documents necessary to complete the transfer of title.

Sec. 18. Deposits of Funds; Trust and Expense Fund;

2 Records of Deposits.—(a) All funds received under this article, including the proceeds from the sale of abandoned property under section seventeen, shall forthwith be deposited by the state treasurer in a special fund to be known as the “trust and expense fund.”

7 (b) From said fund the state treasurer shall make prompt payment of claims duly allowed as hereinafter provided, and shall pay the necessary costs of selling abandoned property, of mailing notices, of making publications required by this article, and of paying other operating expenses and administrative expenses reason-
ably incurred by the treasurer in the administration and enforcement of the provisions of this article. At any time when the balance of said fund shall exceed one hundred fifty thousand dollars, the state treasurer may, and at least once every fiscal year shall, transfer to the general school fund the balance of the trust and expense fund which shall exceed one hundred fifty thousand dollars. The treasurer is authorized to draw his requisitions for such sums upon the auditor in the manner provided by law.

(c) Before making any deposit to said fund, the state treasurer shall record the name and last known address of each person appearing from the holder’s reports to be entitled to the abandoned property, and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. Such records shall be available for public inspection at all reasonable business hours.
Sec. 19. Claim for Abandoned Property Paid or Delivered.—Any person claiming an interest in any property paid or delivered to the state treasurer under this article may file a claim thereto or to the proceeds from the sale thereof on a form prescribed by the state treasurer.

Sec. 20. Determination of Claims; Hearings.—(a) The state treasurer shall promptly consider any claim filed under this article, and if he is satisfied from the evidence submitted that such claim is valid, he shall immediately allow same. If he is not so satisfied, then he or an assistant designated by him in writing, shall hold a hearing, and all of the pertinent provisions of article five, chapter twenty-nine-a of this code shall apply to and govern the hearing and the administrative procedures in connection with and following such hearing, with like effect as if the provisions of said article five were set forth in extenso in this section, except that where the property in question was located in a county within this state immediately before delivery or payment thereof to the state treasurer, the hearing shall be held in such county. Within thirty days after the filing of a claim, the state
treasurer shall in writing, served in person or by regis-
tered or certified mail, notify the person making the
claim that he has decided to allow the claim or that he
has determined that a hearing as herein specified will
be necessary. Any such hearing shall be held within
thirty days after receipt of notice from the state treasurer
that a hearing will be necessary, unless there is a post-
onement or continuance for good cause.

(b) For the purpose of any such hearing, the state
treasurer shall have the power and authority to issue
subpoenas and subpoenas duces tecum, in accordance
with the provisions of section one, article five, chapter
twenty-nine-a of this code. All subpoenas and subpoenas
duces tecum shall be issued and served within the time
and for the fees and shall be enforced, as specified in
section one, article five of said chapter twenty-nine-a,
and all of the said section one provisions dealing with
subpoenas and subpoenas duces tecum shall apply to
subpoenas and subpoenas duces tecum issued for the
purpose of a hearing hereunder. At any such hearing,
tion may represent himself or be represented by an attorney at law admitted to practice before any circuit court of this state.

(c) After such hearing and consideration of all the testimony, evidence and record in the case, the state treasurer shall make and enter an order deciding the claim in question. Such order shall be accompanied by findings of fact and conclusions of law as specified in section three, article five, chapter twenty-nine-a of this code, and a copy of such order and accompanying findings and conclusions shall be served upon all of the parties and their attorneys of record, if any, in person or by registered or certified mail. The state treasurer shall also cause a notice to be served with the copy of such order, which notice shall advise the parties of their right to judicial review, in accordance with the provisions of section twenty-one of this article. The order of the state treasurer shall be final unless vacated or modified upon judicial review thereof in accordance with the provisions of section twenty-one of this article.
(d) The order and the accompanying findings of fact and conclusions of law shall be public records. When a claim is allowed by the state treasurer, whether with or without hearing, the same shall be paid forthwith without deduction for costs of notices or sale or for administrative charges.

Sec. 21. Judicial Review.—(a) Any party adversely affected by a final order made and entered by the state treasurer after such hearing, held in accordance with the provisions of section twenty of this article, is entitled to judicial review thereof. All of the pertinent provisions of section four, article five, chapter twenty-nine-a of this code shall apply to and govern such review with like effect as if the provisions of said section four were set forth in extenso in this section, except that where the property in question was located in a county within this state immediately before delivery or payment thereof to the state treasurer, the petition shall be filed in the circuit court of such county.

(b) The judgment of the circuit court shall be final unless reversed, vacated or modified on appeal to the supreme court of appeals in accordance with the provi-

sions of section one, article six, chapter twenty-nine-a
of this code.

Sec. 22. Election to Take Payment or Delivery;
Destruction of Property Which Has No Obvious Com-
mercial Value.—(a) The state treasurer, after receiving
reports of property deemed abandoned pursuant to this
article, may decline to receive any property reported
which he deems to have a value less than the cost of giving
notice and holding sale, or he may, if he deems it desir-
able because of the small sum involved, postpone taking
possession until a sufficient sum accumulates. Unless the
holder of the property is notified to the contrary within
one hundred twenty days after filing the report required
under section eleven, the state treasurer shall be deemed
to have elected to receive the custody of the property.

(b) Any property delivered to the state treasurer pur-
suant to this article which has no obvious commercial
value shall be retained by the state treasurer until such
time as he determines to destroy or otherwise dispose
of the same. If the state treasurer determines that any
property delivered to him pursuant to this article has no
obvious commercial value, he may at any time thereafter
destroy or otherwise dispose of the same, and in that
event no action or proceeding shall be brought or main-
tained against the state or any officer thereof or against
the holder for or on account of any action taken by the
state treasurer pursuant to this article with respect to
said property.

Sec. 23. Examination of Records.—Whenever the state
treasurer has reason to believe that a person has failed
to report property which should have been reported pur-
suant to the provisions of this article, he may issue a
subpoena duces tecum requiring such person to produce
at a reasonable time at such person’s residence or princi-
pal place of business such of his books, records or papers
as are reasonably necessary for the state treasurer to
determine whether a report was required. Every such
subpoena duces tecum shall be served at least five days
before the return date thereof. Upon motion made
promptly, and in any event before the time specified in
a subpoena duces tecum for compliance therewith, the
circuit court of the county in which such person resides
or has his principal place of business, or the judge thereof in vacation, may grant any relief with respect to such subpoena duces tecum which such court, under the West Virginia rules of civil procedure for trial courts of record, could grant, and for any of the same reasons, with respect to a subpoena duces tecum issued from such court.

In case of disobedience or neglect of any subpoena duces tecum served on any person, the circuit court of the county in which such person resides or has his principal place of business, or the judge thereof in vacation, upon application by the state treasurer, may compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena duces tecum issued from such circuit court.

Sec. 24. Proceeding to Compel Delivery of Abandoned Property.—If any person refuses to pay or deliver property to the state treasurer as required under this article, he may bring an action in the circuit court of the county where the holder resides or has his principal place of business to enforce such payment or delivery.
Sec. 25. Appeals from Circuit Courts.—Any person adversely affected by the final judgment of any circuit court under the provisions of this article may seek review thereof by appeal to the supreme court of appeals of this state, and jurisdiction is hereby conferred upon such court to hear and entertain such appeals upon application made therefor in the manner and within the time provided by law for civil appeals generally.

Sec. 26. Offenses and Penalties.—(a) Any person who shall wilfully fail to render any report required under this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars.

(b) Any person who shall wilfully refuse to pay or deliver abandoned property to the state treasurer as required under this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for not more than thirty days, or by both fine and imprisonment in the discretion of the court.
Sec. 27. Rules and Regulations.—To carry out the provisions of this article the state treasurer may make necessary rules and regulations in accordance with the provisions of chapter twenty-nine-a of this code.

Sec. 28. Effect of Laws of Other States.—This article shall not apply to any property that has been presumed abandoned or escheated under the laws of another state prior to the effective date of this article.

Sec. 29. Severability.—If any provision of this article or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

Sec. 30. Uniformity of Interpretation.—This article shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 31. Effective Date.—This act shall take effect on July one, one thousand nine hundred sixty-seven.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee


Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 14th day of February, 1966.

Governor