

LAWS OF DELAWARE  
VOLUME 83  
CHAPTER 58  
151st GENERAL ASSEMBLY  
FORMERLY  
SENATE BILL NO. 103

AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO UNCLAIMED PROPERTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1130, Title 12 of the Delaware Code by making insertions as shown by underline as follows and redesignating accordingly:

§ 1130. Definitions.

As used in this chapter:

( ) “Game-related digital content” means digital content that exists only in an electronic game or electronic-game platform. The term:

(A) Includes game-play currency such as a virtual wallet, even if denominated in United States currency, and points, gems, tokens, gold, or digital codes for use or redemption only within the game or platform or another electronic game or electronic-game platform.

(B) Does not include an item that the issuer permits to be redeemed for use outside a game or platform for money or goods or services that have more than minimal value or otherwise monetizes for use outside of a game or platform.

(18) “Property” means tangible property described in § 1134 of this title or a fixed and certain interest in intangible property held, issued, or owed in the course of a holder’s business or by a government, governmental subdivision, agency, or instrumentality. The term:

a. Includes all income from or increments to the property.

b. Includes property referred to as or evidenced by any of the following:

1. Money, virtual currency, interest, dividend, a check, draft, or deposit.

2. A credit balance, customer’s overpayment, gift card, stored-value card, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, pari-mutuel ticket, mineral proceeds, or unidentified remittance.

3. A security, bond, debenture, note, or other evidence of indebtedness.

4. Money deposited to redeem a security, make a distribution, or pay a dividend.

5. An amount due and payable under the terms of an annuity contract or insurance policy.

6. An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit-sharing, employee-savings, supplemental-unemployment insurance, or similar benefits.

c. Does not include any of the following:

1. "Uninvoiced payables," as defined in this section. Nothing in this section shall be construed to create a business-to-business exemption of any kind regardless of whether a current business relationship exists between the holder and the owner.
2. "Nonescheat capital credits," as defined in § 909 of Title 26.
3. Layaway accounts issued or maintained by any person in the business of selling tangible personal property at retail.
4. A loyalty card.
5. Game-related digital content.

( ) "Virtual currency" means a digital representation of value, including cryptocurrency, used as a medium of exchange, a unit of account, or a store of value that does not have legal tender status recognized by the United States. The term does not include:

- a. The software or protocols governing the transfer of the digital representation of value.
- b. Game-related digital content.
- c. A loyalty card.

Section 2. Amend § 1133, Title 12 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 1133. When property presumed abandoned.

Subject to § 1136 of this title, property is presumed abandoned if it is unclaimed by the owner at the time specified for the following property:

( ) Virtual currency, 5 years after the owner's last indication of interest in the property.

Section 3. Amend § 1152, Title 12 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1152. Payment or delivery of property to State Escheator.

(f) If property reported to the State Escheator under § 1142 of this title is virtual currency, the holder shall liquidate the virtual currency within ninety (90) days prior to the filing of the report and remit the proceeds to the administrator. The owner shall not have recourse against the holder or the State Escheator to recover any gain in value that occurs after the liquidation of the virtual currency under this subsection.

Section 4. This Act takes effect on August 1, 2021.

Approved June 30, 2021