



SPONSOR: Sen. Townsend & Sen. Gay & Rep. Bush
Sen. Paradee; Reps. Baumbach, Brady

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

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:

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

3 § 1130. Definitions.

4 As used in this chapter:

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

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

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

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

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

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

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

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

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

- 23 4. Money deposited to redeem a security, make a distribution, or pay a dividend.
- 24 5. An amount due and payable under the terms of an annuity contract or insurance policy.
- 25 6. An amount distributable from a trust or custodial fund established under a plan to provide health,
- 26 welfare, pension, vacation, severance, retirement, death, stock purchase, profit-sharing, employee-
- 27 savings, supplemental-unemployment insurance, or similar benefits.

28 c. Does not include any of the following:

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

37 () "Virtual currency" means a digital representation of value, including cryptocurrency, used as a medium of

38 exchange, a unit of account, or a store of value that does not have legal tender status recognized by the United

39 States. The term does not include:

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

43 Section 2. Amend § 1133, Title 12 of the Delaware Code by making deletions as shown by strike through and

44 insertions as shown by underline as follows and redesignating accordingly:

45 § 1133. When property presumed abandoned.

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

47 for the following property:

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

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

50 insertions as shown by underline as follows:

51 § 1152. Payment or delivery of property to State Escheator.

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

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

SYNOPSIS

This Act adopts an express reporting requirement for virtual currency, with an exemption for game-related digital content with minimal or no value; defines virtual currency and game-related digital content; requires the liquidation of and conversion to U.S. dollars of virtual currency prior to reporting and remitting this property to the State; and limits the exposure of both the State and the reporting holder to claims by the putative owners of this property type for subsequent gains in value, given the volatility inherent in this property type's value. Liquidation of and conversion to U.S. dollars of virtual currency prior to reporting and remitting also promotes ease of administration and the return of the cash value to owners. This Act incorporates in part some of the concepts from the 2016 Revised Uniform Unclaimed Property Act promulgated by the Uniform Law Commission, as well as legislation adopted by Kentucky in 2019.

These changes take effect on August 1, 2021.

Author: Senator Townsend