PROPOSED REGULATION OF THE

ADMINISTRATOR OF UNCLAIMED PROPERTY

LCB File No. R136-26

August 18, 2026

EXPLANATION – Matter in ***italics*** is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§ 1, 2, 15, 16, 19 and 24-27, NRS 120A.140; §§ 3, 9-14 and 23, NRS 120A.140 and 120A.740; §§ 4-8 and 17-22, NRS 120A.140 and 120A.560; § 28, NRS 120A.140 and 120A.730.

A REGULATION relating to unclaimed property; defining certain terms relating to unclaimed property; requiring each holder to use a unique tax identification number when filing certain documents; revising certain reporting requirements relating to abandoned and unclaimed property; establishing certain requirements for sellers and purchasers who are parties to a remnant asset purchase agreement; requiring the registration of locators who enter into agreements with owners to locate, deliver, recover or assist in the recovery of property presumed abandoned; prescribing the rights and responsibilities of locators; revising certain definitions relating to unclaimed property; revising the procedures by which a holder may request certain revisions to a verified report after filing; revising the contents of certain required notices; revising the contents of and form in which certain claims must be filed; revising certain documentation a holder is required to maintain and provide to the State Treasurer in his or her capacity as the Administrator of Unclaimed Property; establishing requirements for the reporting and liquidation or conversion of certain virtual currency; revising the circumstances under which the Administrator may grant certain waivers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Treasurer, in his or her capacity as the Administrator of Unclaimed Property, to adopt regulations concerning the disposition of abandoned and unclaimed property in this State. (NRS 120A.025, 120A.140)

Existing law authorizes the Administrator to adopt regulations necessary to protect the interests of an owner who enters into an agreement with a person to locate, deliver, recover or assist in the recovery of property that is presumed abandoned. Existing law also authorizes the Administrator to adopt regulations which provide for the licensure or registration of such a person who enters into such an agreement with an owner. (NRS 120A.740) **Section 3** of this regulation defines the term "locator" to mean a person who enters into such an agreement with an owner, which relates to property that is presumed abandoned and in the custody of the Administrator. **Section 10** of this regulation prohibits a person from acting as a locator unless he or she holds a valid certificate of registration. **Section 10** establishes requirements for a person to obtain a certificate of registration, including requirements that the person must submit to the Administrator: (1) a copy of the form contract the person will use to enter into agreements with owners; (2) evidence of a valid state business license; (3) a fidelity bond; (4) evidence of a document retention policy that meets certain requirements; and (5) certain information about each person who will provide services or act on behalf of the person. **Section 11** of this regulation requires the Administrator to publish certain information on the Internet website of the Administrator about each locator who holds a valid certificate of registration.

Section 12 of this regulation prohibits a locator from: (1) allowing a person who is less than 21 years of age to act as signatory to an agreement with an owner; (2) entering into an agreement with an owner in a form that has not been approved by the Administrator; (3) making representations that the locator works for or on behalf of or represents the Administrator in any way; and (4) engaging in practices that are predatory or fraudulent. If a locator wishes to change the form contract he or she will use to enter into agreements with owners, **section 12** requires the locator to submit to the Administrator for approval a copy of the new form contract and an application for renewal of his or her certificate of registration. **Section 13** of this regulation authorizes the Administrator to provide a locator who holds a valid certificate of registration a list of certain information which relates to property in the custody of the Administrator. **Section 13** also prohibits a locator from disseminating the list or any information contained in the list in any manner not approved by the Administrator. **Section 14** of this regulation authorizes the Administrator to take certain action against a locator for violations committed by the locator.

Existing law defines the term "holder" to mean a person or business obligated, or assumed to be obligated, to hold for the account of, or deliver or pay to, the owner property that is subject to the provisions of existing law concerning the disposition of abandoned and unclaimed property. (NRS 120A.080) Existing law and regulations require a holder of property presumed abandoned to make certain reports to the Administrator concerning the property. (NRS 120A.560; NAC 120A.020) **Section 2** of this regulation defines the term "illicit property" to mean property that the holder has determined has been deposited, transferred or otherwise obtained by a person using fraudulent or illegal activity, including by using a false identity. If a law enforcement agency has initiated an investigation into illicit property which is active or has not resolved the matter, **section 7** of this regulation prohibits the holder from including the property in a report to the Administrator unless and until such an investigation confirms the validity of any obligation relating to the property. For property in an individual retirement account where the owner is determined to be deceased, **section 7** authorizes the holder to withhold the property from a report to the Administrator during the period allowed for holding and transference under federal law, so long as the transference is completed in the manner prescribed by federal law.

Section 4 of this regulation defines the term "verified" to mean, for a report, form or other document, that the report, form or other document has been reviewed to determine it is complete, accurate, in the form required by the Administrator and in compliance with existing law and regulations concerning the disposition of abandoned and unclaimed property. **Sections 20 and 21** of this regulation revise the procedures by which a holder may request to make additions, deletions, alterations or corrections to a verified report after filing. **Section 15** of this regulation makes a conforming change to make the definitions set forth in **sections 2-4** applicable to the provisions of existing regulations concerning the disposition of abandoned and unclaimed property.

Section 5 of this regulation requires each holder to have a unique tax identification number which the Administrator may use to identify the holder, and to include that number on any document the holder submits to the Administrator on behalf of himself or herself or which applies to the holder. **Section 5** also: (1) prohibits a holder from submitting any document under the unique tax identification number of the holder if the document is made on behalf of or includes property that is held by a person that does not share the unique tax identification number; and (2) requires a business entity that submits documents on behalf of holders to use the unique tax identification number on each document which is associated with the holder to which the document applies. Finally, **section 5** provides that a holder who outsources certain duties or obligations but retains legal liability relating to property must be identified as the holder in any document applicable to such property. **Section 6** of this regulation prohibits a holder from reporting abandoned property in the aggregate unless the holder obtains written permission from the Administrator to do so.

At the time that an interest in property is presumed abandoned, existing law provides that any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned. (NRS 120A.500) **Section 8** of this regulation provides that such a property right: (1) is not presumed abandoned if the owner is able to access multiple accounts simultaneously and one account evidences certain activity or communication initiated by the owner; and (2) is also presumed abandoned if the property was issued after the account that generated the property was reported, including in the case of royalties or dividends.

Section 9 of this regulation defines the term "remnant asset purchase agreement" to mean an agreement in which a holder sells the rights to abandoned property which has already been reported and to which the holder has been deemed the apparent owner. **Section 9** prohibits a holder who is not a business entity from entering into a remnant asset purchase agreement as a seller, and makes void and unenforceable any such agreement entered into by such a seller who is not a business entity. **Section 9** also: (1) requires a person who enters into a remnant asset purchase agreement as a purchaser to be a registered locator; and (2) requires the submission of certain evidence in support of a claim to property which is subject to a remnant asset purchase agreement.

Existing regulations define the term "audit" to mean an examination of the records of a person conducted by the Administrator under certain circumstances provided in existing law. (NRS 120A.690; NAC 120A.006) **Section 16** of this regulation revises the definition of "audit" to also include an examination conducted by: (1) an agent of the Administrator; or (2) a person, at the direction of or with the assistance of the Administrator or an agent of the Administrator.

Under certain circumstances, existing law authorizes a holder to deduct from property presumed abandoned certain dormancy charges due to the owner's failure to claim the property within a specified time. (NRS 120A.540) For the purposes of such a dormancy charge, **section 17** of this regulation provides that, for any property which is barred or prevented from being reported due to an investigation or other federal or state law, the property is deemed to begin its dormancy on the date on which any such bar ceases to apply. **Section 17** also revises the contents of and form in which certain reports of unclaimed property are required to be submitted to the Administrator by a holder. **Section 18** of this regulation revises: (1) the required contents of certain reports which relate to unclaimed property that consists of a security; and (2) the time within which a holder must deliver each security to the Administrator after filing the report.

For a holder that is incorporated or located in this State or that conducts business in this State and determines that it is not in possession of property that must be reported, existing regulations require the holder to file an annual report with the Administrator certifying that the holder has no unclaimed property to report. (NAC 120A.035) For the purposes of such required reporting, **section 19** of this regulation provides that a holder is not considered to conduct business in this State if the holder engages only in isolated transactions that are completed within 30 days and the holder does not engage in a pattern of similar transactions.

Section 22 of this regulation revises the required contents of the written notice that a holder is required, under certain circumstances, to send to the apparent owner of property which notifies the apparent owner of certain rights and responsibilities related to filing a claim seeking return of the property. **Section 23** of this regulation: (1) revises the form in which a person claiming or interested in any property delivered to the State must file a claim; and (2) for a claim that involves a locator who is seeking a fee or other compensation, requires that the claim disclose the involvement of the locator.

For an outstanding check or a credit balance that a holder has not included in a report to the Administrator, existing regulations authorize a holder to request written confirmation from the apparent owner concerning the outstanding check or the credit balance. For a request which concerns an outstanding check, if the apparent owner responds requesting reissuance of the check, existing regulations require the holder to provide evidence to the Administrator that the holder has reissued the check. (NAC 120A.065) **Section 24** of this regulation additionally requires that the holder provide evidence to the Administrator that the holder has documented the actions of and communication by the apparent owner expressing interest in the property. Existing law and regulations provide an exception to these requirements for certain transactions between business associations who have an ongoing business relationship. (NRS 120A.505; NAC 120A.065) **Section 24** makes a conforming change to match the terms of the exception in existing regulations to the terms of the exception in existing law.

Sections 25 and 26 of this regulation revise: (1) the form in which certain reports relating to certain safety deposit boxes are required to be submitted, in compliance with the requirements of **section 17**; and (2) the time within which the contents of certain safety deposit boxes must be remitted to the Administrator.

For abandoned property which is virtual currency, if the virtual currency is in a form that can be delivered to the Administrator, **section 27** of this regulation requires the holder to deliver the virtual currency to the Administrator not later than 60 days after reporting the virtual currency. If the virtual currency is in a form that cannot be delivered to the Administrator, **section 27** requires the virtual currency to be liquidated or converted into money. If the virtual currency has no monetary value, or cannot be liquidated or converted due to a restriction or other condition which prevents access to the account, **section 27** provides that the holder is not required to report and liquidate or convert the virtual currency unless and until such time as the virtual currency has a monetary value greater than zero or the account can be accessed, as applicable.

Existing regulations authorize a holder that is liable to the Administrator for the payment of penalties or interest, or both, to request a waiver from the Administrator. (NAC 120A.120) **Section 28** of this regulation revises, under certain circumstance, the form in which such a request is required to be submitted. If the Administrator determines the holder acted with negligence, including by filing a report that is incomplete or otherwise noncompliant with existing law and regulations, **section 28** authorizes the Administrator to grant a request for such a waiver only if the Administrator determines that: (1) the actions which constituted the negligence were not intentional; and (2) after taking into account the reporting history of the holder and the facts and circumstances of the negligence, granting the request in whole or in part is warranted.

Section 1. Chapter 120A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. ***"Illicit property" means property that the holder has determined has been deposited, transferred or otherwise obtained by a person using fraudulent or illegal activity, including, without limitation, by using a false identity.***

Sec. 3. ***"Locator" means a person who enters into an agreement with an owner, in accordance with the provisions of NRS 120A.740, to locate, deliver, recover or assist in the recovery of property that is presumed abandoned and in the custody of the Administrator.***

Sec. 4. ***"Verified" means, for a report, form or other document, that the report, form or other document has been reviewed to determine that the report, form or other document is complete, accurate, in the form required by the Administrator and in compliance with the requirements of this chapter and chapter 120A of NRS.***

Sec. 5. ***1. Each holder must:***

(a) Have a unique tax identification number, which the Administrator may use to identify the holder;

(b) Include the unique tax identification number on any report, form or other document which applies to the holder or which the holder submits on behalf of himself or herself; and

(c) Comply with all requirements of this chapter and chapter 120A of NRS.

2. A holder shall not submit any report, form or other document under the unique tax identification number of the holder if the report, form or other document is made on behalf of

or includes property that is held by a person that does not share the unique tax identification number of the holder.

3. A business entity may submit one or more reports, forms or other documents on behalf of a holder or multiple holders, as applicable, that do not share a unique tax identification number only if each report, form or document identifies and is submitted under the unique tax identification number of the holder to which the report, form or document applies.

4. A holder who outsources certain duties or obligations but retains legal liability relating to property, including, without limitation, a holder who contracts for payroll processing services, remains the holder for the purposes of this chapter and chapter 120A of NRS and must be identified as the holder in any report, form or other document applicable to such property.

Sec. 6. *1. Except as otherwise provided in subsection 2, a holder shall report each abandoned property individually, even where a single owner or apparent owner is identified for more than one obligation or no information about the owner or apparent owner is known.*

2. A holder may report abandoned property in the aggregate only if the holder requests, in writing, approval from the Administrator to do so and the Administrator approves the request. A request made pursuant to this subsection must include evidence satisfactory to the Administrator that the property in question cannot be separated and reported individually.

3. A holder must determine if due diligence is required and, if so, in what form, based on the cumulative total of the abandoned property which has been identified for a single owner or apparent owner. A holder may send a single letter which identifies multiple abandoned properties only if such a letter identifies, without limitation, all individual account numbers,

check numbers and any other values which are required to be identified by this chapter or chapter 120A of NRS.

Sec. 7. ***1. For abandoned property which is identified by the holder as illicit property, including, without limitation, due to a suspected violation of a state or federal anti-money laundering statute or regulation, if a law enforcement agency has initiated an investigation which is active or has not otherwise resolved the matter, the holder shall not include the property in a report made pursuant to NRS 120A.560 unless and until such an investigation confirms that any obligation relating to the property is valid.***

2. For any property in an individual retirement account where the owner is determined to be deceased, the holder:

(a) May withhold the property from a report made pursuant to NRS 120A.560 during the period allowed for holding and transference by the federal Internal Revenue Code; and

(b) If the transference described in paragraph (a) is not completed in the manner prescribed by the federal Internal Revenue Code, must include the property in a report pursuant to NRS 120A.560.

Sec. 8. ***For the purposes of subsection 2 of NRS 120A.500, property not previously presumed abandoned:***

1. Is not presumed abandoned, in regard to reporting, if the owner is able to access multiple accounts simultaneously and one account evidences activity or communication initiated by the owner in accordance with subsection 3 or 4 of NRS 120A.500.

2. Is also presumed abandoned, in regard to reporting, if the property was issued after the account that generated the property was reported, including, without limitation, in the case of royalties or dividends.

Sec. 9. ***1. A holder who is not a business entity shall not enter into a remnant asset purchase agreement as the seller. Any remnant asset purchase agreement entered into by such a seller who is not a business entity is void and unenforceable.***

2. A person who enters into a remnant asset purchase agreement as a purchaser must be a locator who holds a certificate of registration issued by the Administrator and be in compliance with the requirements of this chapter and chapter 120A of NRS.

3. A person who makes a claim to property which is subject to a remnant asset purchase agreement shall provide evidence sufficient to support the claim, which must include, without limitation:

(a) An unredacted and complete copy of the remnant asset purchase agreement, which must include the name, tax identification number and primary address of the seller and each party that is involved in the sale;

(b) Evidence that the remnant asset purchase agreement was signed by a senior executive who was legally authorized to enter into the agreement at the time it was executed;

(c) Evidence that each business entity that is a party to the remnant asset purchase agreement is in good standing and each senior executive who is a signatory to the remnant asset purchase agreement is in good standing with the business entity on behalf of which he or she executed the agreement;

(d) Evidence that the property which is the subject of the claim is included under the terms of the remnant asset purchase agreement, which must include, without limitation, evidence that the seller was deemed the apparent owner of the property before the date on which the remnant asset purchase agreement was executed; and

(e) If the seller has filed for or been adjudged a voluntary or an involuntary bankruptcy, evidence that any debt or obligation which may be related to the remnant asset purchase agreement has been discharged and the property which is the subject of the claim is not subject to the claim of any creditor or order of the bankruptcy court.

4. As used in this section, "remnant asset purchase agreement" means an agreement in which a holder sells the rights to abandoned property which has already been reported pursuant to NRS 120A.560 and to which the holder has been deemed the apparent owner.

Sec. 10. *1. A person shall not act as a locator unless the person holds a valid certificate of registration as a locator issued by the Administrator in accordance with the provisions of this section.*

2. To obtain a certificate of registration as a locator, a person must submit to the Administrator:

(a) An application for registration on a form prescribed by the Administrator;

(b) A copy of the form contract that the person will use to enter into agreements with owners, which must comply with the requirements set forth in NRS 120A.740;

(c) Evidence satisfactory to the Administrator that the person has a valid state business license issued by the Secretary of State;

(d) A fidelity bond executed by a bonding company or insurer authorized to do business in this State and approved by the Administrator, accruing to the Administrator for the benefit of the Abandoned Property Trust Account in accordance with the provisions of NRS 120A.620, which must be in an amount equal to:

(1) Twenty-five thousand dollars if the person has been involved in claims that have been paid, in the aggregate, not more than $30,000 during the 2 years immediately preceding the date of the application;

(2) Fifty thousand dollars if the person has been involved in claims that have been paid, in the aggregate, more than $30,000 but not more than $75,000 during the 2 years immediately preceding the date of the application; and

(3) One hundred thousand dollars if the person has been involved in claims that have been paid, in the aggregate, more than $75,000 during the 2 years immediately preceding the date of the application;

(e) Evidence satisfactory to the Administrator of a document retention policy that ensures the retention of agreements with owners and any documentation in support of such agreements for not less than 10 years after the date on which the agreement is executed;

(f) Contact information for each person who will provide services or act on behalf of the applicant, including any agent or other representative of the applicant, which must include:

(1) The name, address, phone number and electronic mail address of the person; and

(2) For any person who will act as the signatory to an agreement with an owner, evidence satisfactory to the Administrator that the person is at least 21 years of age; and

(g) Any other information that the Administrator requires.

3. A certificate of registration as a locator issued by the Administrator:

(a) Must contain a unique identification number for the locator; and

(b) Expires 2 years after the date on which the certificate of registration was issued and may be renewed.

4. A locator who wishes to renew his or her certificate of registration must submit to the Administrator, before the date on which his or her certificate of registration expires:

(a) An application for renewal on a form prescribed by the Administrator; and

(b) An update of the information which is required to be submitted pursuant to subsection 2, if any of the information has changed since the certificate of registration was issued or last renewed.

5. The Administrator may deny an application for the issuance or renewal of a certificate of registration or, after notice and an opportunity for a hearing, revoke an existing registration if:

(a) Any information or documentation provided pursuant to subsection 2 or 4 is falsified, fraudulent or otherwise invalid;

(b) Any information or documentation submitted in support of the payment of a claim is falsified, fraudulent or otherwise invalid; or

(c) The person or an agent or other representative of the person:

(1) Has entered into an agreement with an owner in a form that has not been approved by the Administrator or does not otherwise comply with the requirements of NRS 120A.740;

(2) Is found to have violated federal, state or local laws or regulations, has been disciplined in this State or another state or is banned from engaging in business as a locator in this State or another state; or

(3) Has engaged in practices that are predatory or fraudulent; or

(d) The person has failed to comply with the requirements of this chapter or chapter 120A of NRS.

Sec. 11. ***The Administrator shall publish and maintain on the Internet website of the Administrator a list of each locator who holds a valid certificate of registration, which must include, without limitation:***

1. The name or business name of the locator;

2. The unique identification number for the locator assigned pursuant to subsection 3 of section 10 of this regulation; and

3. The address of the Internet website of the locator, if any.

Sec. 12. ***A locator shall not:***

1. Allow a person who is less than 21 years of age to act as signatory to an agreement with an owner.

2. Enter into an agreement with an owner in a form that has not been approved by the Administrator. If a locator wishes to change the form contract that he or she will use to enter into agreements with owners, he or she must submit to the Administrator for approval:

(a) A copy of the new form contract, which must comply with the requirements set forth in NRS 120A.740; and

(b) An application for renewal of his or her certificate of registration in accordance with the requirements of section 10 of this regulation.

3. Make representations that he or she works for or on behalf of or represents the Administrator in any way.

4. Engage in practices that are predatory or fraudulent.

Sec. 13. ***1. The Administrator may, not more than twice each calendar year and at the request of a locator who holds a valid certificate of registration as a locator, provide the locator a list of each property which:***

(a) Was reported and remitted to the Administrator at least 2 years before the date on which the list is created;

(b) May be published and claimed; and

(c) Has remaining shares or tangible items or a remaining monetary value of at least $5,000.

2. For each property included on a list provided pursuant to subsection 1, the list must include, without limitation:

(a) The type of property and the value of the property;

(b) The holder who reported the property and the relationship between that holder and the owner or apparent owner of the property; and

(c) The name and address of the owner or apparent owner of the property.

3. A request for a list made by a locator pursuant to subsection 1 must contain:

(a) A copy of the current certificate of registration of the locator or other evidence satisfactory to the Administrator that the certificate of registration of the locator is valid; and

(b) For the natural person to whom the list will be delivered:

(1) A copy of a valid driver's license or identification card issued by a governmental agency that contains a photograph of the person; and

(2) A copy of a business card of the natural person or other evidence satisfactory to the Administrator that the person is an agent or representative of the locator.

4. Upon verification of the information required by subsection 3, the Administrator will deliver the list described in subsection 1 in the manner and form deemed appropriate by the Administrator.

5. A locator or an agent or representative of a locator who receives a list from the Administrator pursuant to this section shall not disseminate, distribute or publish the list or any information contained in the list unless the dissemination, distribution or publication has been approved by the Administrator.

Sec. 14. ***1. The Administrator may, pursuant to NRS 120A.710, maintain an action against a locator who:***

(a) Disseminates, distributes or publishes a list or any information contained in a list in violation of subsection 5 of section 13 of this regulation;

(b) Falsely represents that he or she holds a valid certificate of registration as a locator issued by the Administrator;

(c) Engages in practices that are predatory or fraudulent; or

(d) Otherwise violates any state or local law or regulation in this State or another state or any federal law or regulation.

2. In addition to the actions authorized by subsection 1, the Administrator may refer any matter involving a violation described in paragraph (b) of subsection 1 to the Attorney General for further action.

Sec. 15. NAC 120A.003 is hereby amended to read as follows:

120A.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 120A.006 and 120A.009 ***and sections 2, 3 and 4 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 16. NAC 120A.006 is hereby amended to read as follows:

120A.006 "Audit" means the examination of the records of a person conducted pursuant to NRS 120A.690 ***by the Administrator or an agent of the Administrator, or a person at the***

direction of or with the assistance of the Administrator or an agent of the Administrator, to determine whether the person has complied with ***the provisions of this chapter and*** chapter 120A of NRS.

Sec. 17. NAC 120A.020 is hereby amended to read as follows:

120A.020 1. A holder that is required to make a report to the Administrator pursuant to NRS 120A.560 shall file ~~[Form UP-1, Report of Unclaimed Property, including a completed verification. Except as otherwise provided in this section,]~~ the report ***electronically in the manner prescribed by the Administrator. A holder*** may ~~[be filed:~~

~~(a) Using Form UP-1;~~

~~(b) Using a computer printout that contains]~~ ***file*** the ~~[same information as requested on Form UP-1; or~~

~~(c) Electronically using]~~ ***report by another method if*** the ~~[NAUPA standard electronic file format for holders.]~~ ***holder has submitted a request to the Administrator to do so and the Administrator has approved the request in writing.***

2. ~~[A Form UP-2, Report of Unclaimed Property Details, must accompany each]~~ ***Except as otherwise provided in subsection 3, in addition to the requirements of NRS 120A.560, each*** report filed pursuant to subsection 1 ~~[and, except as otherwise provided in this section, may be filed:]~~ ***must comply with current NAUPA standards and include:***

(a) ~~[Using Form UP-2;]~~ ***All information about the owner or apparent owner of any property which is known to the holder;***

(b) ~~[Using a computer printout]~~ ***A summary*** that contains the ~~[same information as requested on Form UP-2; or]~~ ***total:***

(1) Number of all properties reported;

(2) Value of all properties reported; and

(3) Value of remittances, deductions and additions; and

(c) ~~[Electronically using the NAUPA standard electronic file format]~~ ***Direct contact information*** for ~~[holders. If any]~~ ***:***

(1) The remitter of any property included in the report ~~[filed pursuant to this paragraph consists of a security,]~~ ***; and***

(2) The person who filed the report on behalf of the holder ***.*** ~~[shall complete and file Form UP-2 as described in paragraph (a) in addition to the electronic filing.]~~

3. ~~[A person reporting 11 or more items of]~~ ***If a holder files a report pursuant to subsection 1 concerning property that the holder has determined to be illicit*** property ***,*** ~~[shall file]~~ the report ~~[electronically usingthe NAUPA standard electronic file format for holders.]~~ ***must include, without limitation:***

(a) All of the information required by subsection 2;

(b) An identification of the reasons for the determination of the holder that the property is illicit property; and

(c) Documentation to support the determination of the holder that the property is illicit property.

4. ~~[The total amount of each kind of]~~ ***For the purposes of subparagraph (3) of paragraph (b) of subsection 2 and any deduction which is a dormancy charge pursuant to NRS 120A.540, any*** property ***which is barred or otherwise prevented from being*** reported ~~[on Form UP-1 must be equal]~~ ***due*** to ***an investigation or other federal or state law is deemed to begin its dormancy on*** the ~~[sum of the amounts of that kind of property reported on the associated Form UP-2.]~~ ***date on which any such bar ceases to apply.***

5. As used in this section, "NAUPA" means the National Association of Unclaimed Property Administrators.

Sec. 18. NAC 120A.025 is hereby amended to read as follows:

120A.025 A holder of unclaimed property that consists of a security shall, in addition to complying with NAC 120A.020:

1. File with the report of unclaimed property a summary that includes the name, identification number and, if applicable, the total number of shares of each security included in the report.

2. If the holder has sold a security, file with the report of unclaimed property a statement that includes the name, identification number and, if applicable, the total number of shares of the security.

3. ~~[If a security is undeliverable, file with the report of unclaimed property a statement that includes the name, identification number and, if applicable, the total number of shares of the security.~~

~~4.]~~ Identify certificated securities separately from uncertificated securities in Form UP-2, Report of Unclaimed Property Detail.

~~[5.]~~ ***4.*** If the security is a certificated security and the name of the issuer or the number of shares stated on the certificate delivered to the Administrator is different than the name or number of shares stated on a certificate previously issued to the owner of the security, include in the report of unclaimed property the name of the issuer and the number of shares stated on the previous certificate.

~~[6.]~~ ***5.*** If the security has a market value of zero ~~[,]~~ ***or is otherwise undeliverable due to restrictions that are not designed to prevent reporting,*** omit the security from the report of unclaimed property. A security that is omitted from a report of unclaimed property pursuant to this subsection must be included in a subsequent report of unclaimed property that is filed at a time that the security has a market value greater than zero.

6. Deliver each security that is included in a report of unclaimed property to the Administrator not later than 60 days after the date on which the report is filed.

Sec. 19. NAC 120A.035 is hereby amended to read as follows:

120A.035 1. A holder that is incorporated or located in this State or that conducts business in this State and determines that it is not in possession of property that must be reported, paid or delivered under chapter 120A of NRS shall file a report with the Administrator certifying that the holder has no unclaimed property to report.

2. The report must be:

(a) In the form prescribed by the Administrator;

(b) Verified; and

(c) Except as otherwise provided in this section, filed with the Administrator before November 1 of each year and cover the 12 months next preceding July 1 of that year, but a report with respect to an insurance company must be filed before May 1 of each year for the calendar year next preceding.

3. Before the date for filing the report, the holder may request the Administrator to extend the time for filing the report. The Administrator may grant the extension for good cause.

4. For the purposes of this section, a holder shall not be deemed to be conducting business in this State if the holder engages only in isolated transactions that are completed within 30 days and the holder does not engage in a pattern of similar transactions.

Sec. 20. NAC 120A.040 is hereby amended to read as follows:

120A.040 A holder must report any additions or deletions since his or her filing of ~~[Forms UP-1 and UP-2.]~~ ***a verified report.*** Any such additions ~~[or]~~ ***must be submitted in a separate report that complies with the requirements of this chapter and NRS 120A.560, as applicable. Any such*** deletions must be ~~[listed on Form UP-4,]~~ ***requested by submitting a*** Request for Holder Reimbursement ~~[, or be filed]~~ on a ~~[computer printout that contains]~~ ***form prescribed by*** the ~~[same information as requested on Form UP-4.]~~ ***Administrator.***

Sec. 21. NAC 120A.045 is hereby amended to read as follows:

120A.045 If a ***person who files a*** report, form or other document that is required to be verified and filed with the Administrator pursuant to this chapter or chapter 120A of NRS ~~[is altered or corrected]~~ ***believes that an alteration or correction is necessary to such a document*** after it has been verified ~~[,]~~ ***and filed,*** the person who ~~[verified]~~ ***filed*** the document must ~~[initial and date]~~ ***submit to the Administrator in writing a request for corrections, alterations or deletions on a form prescribed by*** the ***Administrator which:***

1. Identifies the alteration or correction ~~[.]~~ ***which is being requested to the original report, form or other document;***

2. Includes evidence or documentation which supports the need for the requested alteration or correction; and

3. Requests permission from the Administrator to file the altered or corrected report, form or other document.

Sec. 22. NAC 120A.050 is hereby amended to read as follows:

120A.050 A holder that is required, pursuant to NRS 120A.560, to send written notice to an apparent owner shall mail the notice to the apparent owner's last known address in the holder's records. The notice must include:

1. The apparent owner's name;

2. The apparent owner's last known address;

3. The type of account or other property;

4. If an account, a partial account number or other information sufficient to identify the account;

5. The amount; ~~[and]~~

6. ***A statement that appears conspicuously at the top of the notice in substantially the following form:***

> ***State law requires us to notify you that we are in possession of property that appears to belong to you. The property will be presumed abandoned and will be transferred to the custody of the Administrator of Unclaimed Property in the Office of the State Treasurer if you do not contact us or take an action indicating an interest in the property on or before . . . (insert specified date).***

7. A statement that ***after*** the property ~~[will be]~~ ***is*** turned over to the State for custody ~~[if the]~~ ***an*** apparent owner ~~[does not claim]~~ ***who seeks a return of*** the property ~~[within the period set forth in]~~ ***must file a claim with*** the ~~[notice.]~~ ***Administrator; and***

8. A statement that property that is not legal tender of the United States may be sold by the Administrator.

Sec. 23. NAC 120A.060 is hereby amended to read as follows:

120A.060 1. Any person claiming or interested in any property delivered to the State must file ~~[Form UP-5, Claim for Property Presumed Abandoned.]~~ ***a claim electronically through the Internet website of the Administrator.*** Specific documents and supporting information, as determined for each case by the Administrator, must be ~~[filed with Form UP-5.]~~ ***submitted electronically through the Internet website of the Administrator.***

2. ~~[If the Administrator denies a claim for any reason, including, without limitation, that the claim remains incomplete for 90 days after it is filed, the claimant may file a new claim at any time using Form UP-5.~~

~~3.]~~ If a person claiming property delivered to the State is a party to an agreement with another person, including, without limitation, an attorney, the primary purpose of which is to locate, deliver, recover or assist in the recovery of the property, the Administrator will require the claimant to submit a copy of the agreement. If the claimant fails to submit the copy of the agreement, the Administrator will deny the claim. This subsection does not apply to an owner's agreement with an attorney to file a claim as to identified property or contest the Administrator's denial of a claim.

3. In addition to the requirements of subsection 2, for a claim that involves a locator who is seeking a fee or other compensation, the claim must disclose the involvement of the locator.

Sec. 24. NAC 120A.065 is hereby amended to read as follows:

120A.065 1. If the Administrator identifies in the records of a holder an outstanding check or a credit balance that the holder has not included in a report filed pursuant to NRS 120A.560 and that the Administrator believes may be property presumed abandoned, the Administrator will accept as proof sufficient to rebut the presumption of abandonment written confirmation from the apparent owner of the property that complies with this section.

2. A holder may request the apparent owner to provide written confirmation concerning an outstanding check or a credit balance identified by the Administrator pursuant to subsection 1 by

sending a request to the apparent owner. The request must be in the form prescribed by the Administrator and include, without limitation:

(a) A statement that the request is submitted as part of an ongoing examination of unclaimed property which has identified a check or credit balance that may be owed to the apparent owner;

(b) The amount of the check or credit balance;

(c) A request that the apparent owner review his or her records and return the request for confirmation to the holder with the results of the apparent owner's review; and

(d) Blank spaces for the apparent owner to provide:

(1) The signature, name and title of the apparent owner or person who signs the confirmation on behalf of the apparent owner;

(2) The date on which the confirmation is signed; and

(3) The address and telephone number of the apparent owner or person who signs the confirmation on behalf of the apparent owner.

3. Except as otherwise provided in subsection 5, if the request for confirmation concerns an outstanding check, the holder and apparent owner must use Form UP-50, Outstanding Check Confirmation Letter. Using Form UP-50:

(a) The holder must provide information that identifies the check, including, without limitation:

(1) The check number;

(2) The amount of the check;

(3) The date of issuance of the check; and

(4) If applicable, the number and date of the holder's invoice.

(b) The apparent owner must confirm that he or she has reviewed his or her records and indicate whether:

(1) The check is not owed to the apparent owner;

(2) The check was owed to the apparent owner and has been cashed; or

(3) The check is owed to the apparent owner and the holder should reissue the check to the apparent owner because:

(I) The check was received by the apparent owner and not cashed; or

(II) The check was not received by the apparent owner.

➥ If the apparent owner returns the confirmation requesting the reissuance of a check, the holder must provide ~~[evidence]~~ to the Administrator ***evidence*** that the holder has reissued the check ~~[.]~~ ***and evidence that the holder has documented the actions of and communication by the apparent owner in accordance with subsection 3 of NRS 120A.500.***

(c) The holder and apparent owner must provide any other information required by the Administrator.

4. Except as otherwise provided in subsection 5, if the request for written confirmation concerns a credit balance, the holder and apparent owner must use Form UP-51, Credit Balance Confirmation Letter. Using Form UP-51:

(a) The holder must provide information that identifies the credit balance, including, without limitation, the date of each transaction that contributes to the credit balance.

(b) The apparent owner must confirm that he or she has reviewed his or her records and indicate whether:

(1) The credit balance is owed to the apparent owner;

(2) The credit balance is not owed to the apparent owner;

(3) The apparent owner has been unable to determine whether the credit balance is owed to him or her; or

(4) The credit balance was owed to the apparent owner, but has been settled through a settlement agreement with the holder. The apparent owner must include the date of the settlement.

(c) The holder and apparent owner must provide any other information required by the Administrator.

5. A holder and an apparent owner are not required to comply with subsection 3 or 4, as applicable, if ~~[the holder and apparent owner:~~

~~(a) Are business entities; and~~

~~(b) Have engaged in at least one business transaction with each other in the 24-month period immediately preceding the date on which the holder requests]~~ the ***request for the*** written confirmation ~~[from the apparent owner.]~~ ***concerns a transaction which is described in NRS 120A.505.***

6. As used in this section, "check" includes a draft or similar instrument as described in NRS 120A.550. The term does not include a traveler's check, money order or similar instrument.

Sec. 25. NAC 120A.070 is hereby amended to read as follows:

120A.070 A safety deposit box that has no lease or rental fee and is provided to the owner as a condition of a specific amount being deposited with the banking or financial organization shall be presumed abandoned at the same time as the account for which it was provided. The safety deposit box must be sealed at the time of filing ~~[Forms UP-1 and UP-2]~~ ***a report pursuant to NAC 120A.020*** and ***the contents of the safety deposit box must*** be ~~[opened]~~ ***delivered*** when remittance is due.

Sec. 26. NAC 120A.080 is hereby amended to read as follows:

120A.080 1. The specific contents of safety deposit boxes must not be listed on ~~[Form UP-2]~~ ***a report filed pursuant to NAC 120A.020*** unless the list of contents required by NRS 663.085 is incomplete or unreadable. A copy of the list of contents required by NRS 663.085 must be attached to ~~[Form UP-2.]~~ ***such a report.***

2. The contents of safety deposit boxes must be remitted at a time and place agreed upon by the holder and the Administrator ~~[.]~~ ***which is within the period of time prescribed by NRS 120A.570.***

3. Form UP-6, Safekeeping Inventory, must be completed ***and delivered*** at the time of the remittance.

Sec. 27. NAC 120A.110 is hereby amended to read as follows:

120A.110 1. Unless specifically authorized by the Administrator, a holder shall pay or deliver abandoned property to the Administrator in a form other than cash.

2. In lieu of a check, a holder that makes a payment of money to the Administrator of $10,000 or more shall make the payment by means of an electronic transfer of money as required pursuant to NRS 353.1467.

3. If the abandoned property is virtual currency:

(a) Which cannot be delivered to the Administrator, the virtual currency must be liquidated or converted into money. If the virtual currency:

(1) Has no monetary value, the reporting and liquidation or conversion of the virtual currency is not required to be completed unless and until such time as the virtual currency has a monetary value greater than zero.

(2) Cannot be liquidated or converted into money due to a restriction or other condition which prevents access to the account where the virtual currency is held, including, without limitation, a private key, the reporting and liquidation or conversion of the virtual currency is not required to be completed unless and until such time as the account may be accessed.

(b) Which is not required to be liquidated or converted into money pursuant to paragraph (a) and is included in a report filed pursuant to NAC 120A.020, the holder must deliver the virtual currency to the Administrator not later than 60 days after the date on which the report is filed.

Sec. 28. NAC 120A.120 is hereby amended to read as follows:

120A.120 1. A holder that is liable to the Administrator for the payment of penalties or interest, or both, pursuant to NRS 120A.730 and wishes to obtain a waiver of the penalties or interest, in whole or in part, must request such a waiver from the Administrator in the manner set forth in this section.

2. Except as otherwise provided in subsection 3, a holder must submit a written request for a waiver of penalties or interest, or both, in the form prescribed by the Administrator. The request must include, without limitation:

(a) The ~~[identification number assigned to the holder by the Administrator and the]~~ ***unique*** tax identification number of the holder ~~[;]~~ ***and, if different, any other identification number assigned to the holder by the Administrator;*** and

(b) A description of the facts and circumstances concerning the holder's failure to comply with chapter 120A of NRS and, if applicable, evidence that the holder acted in good faith and without negligence.

3. A holder may request a waiver of penalties or interest, or both, using ~~[Form UP-49, Voluntary Disclosure Agreement,]~~ ***a voluntary disclosure agreement on a form prescribed by the Administrator*** if:

(a) The ***Administrator requires the use of a voluntary disclosure agreement because the*** holder has not:

(1) Previously submitted a report to the Administrator concerning unclaimed property as required by NRS 120A.560; and

(2) Been notified by the Administrator that the holder has been selected for an audit; or

(b) The ***holder requests permission to use a voluntary disclosure agreement and the*** Administrator determines that the ~~[holder's]~~ ***facts presented with the request constitute*** special circumstances ***which*** warrant the use of ~~[Form UP-49.]~~ ***a voluntary disclosure agreement.***

4. If the Administrator determines that a holder acted with negligence, the Administrator may grant a request submitted pursuant to this section only if the Administrator determines that:

(a) The actions which constituted the negligence were not intentional; and

(b) After taking into account the reporting history of the holder and the facts and circumstances of the negligence, granting the request in whole or in part is warranted.

5. As used in this section, "negligence" includes a failure to report as described in NAC 120A.015.