

Frequently Asked Questions Regarding Unclaimed Property Reporting

Information regarding COVID-19 and reporting:

What if I am not able to make the November 1st reporting deadline?

Please fill out an extension request. All extensions will automatically be approved. If signature isn't possible typing your name as opposed to signing the form is acceptable.

What about extensions on safe deposit box reporting?

Due to the dual control environment of safe deposit box reporting we are automatically granting an extension on safe deposit box reports, no extension request required. If you are reporting both money and safe deposit boxes the automatic extension is on the safe deposit box portion only. If you feel you need an extension on the monetary portion as well please submit an extension request. You can submit two separate reports.

I am trying to report all electronically and send nothing via postal mail is this possible?

Yes, you can [upload](#) your report and pay by [ACH or wire](#). You will be prompted to print a remit sheet when you upload your report. Send this remit sheet either by email or fax with your payment notification. We do not require notarization on forms and a signed summary sheet is not required when using the upload method.

What if I upload a report and choose to send a check but I cannot get the remit sheet in the mail with the check?

Please email your remit sheet to KSHolder@treasurer.ks.gov and let us know you have sent payment without the remit sheet. We will get the two matched up.

Can I still mail my report and payment in the office like have in prior years?

Yes, you can still report as you have in the past. We still accept checks and small paper reports as well as reports on CD/DVD's.

What if I would like to report electronically but I have never done so in the past?

Please visit our reporting methods area on the Just For Holders page. There are several options like an excel spreadsheet and options for NAUPA software both paid and free.

If you have any questions that are not covered above please email them to

KSHolder@treasurer.ks.gov

How can I contact the Holder Department?

By calling 785-291-3173 or emailing the Kansas Holder Service at KSHolder@treasurer.ks.gov

When is my report due?

November 1st for all businesses and May 1st for Life Insurance.

I'm having problems logging into my online account where can I get information on that?

Due to increasing security measures and the ability to use other means of reporting, as of Dec. 1st 2018, we no longer allow access/login to the UP3 online reporting system. All accounts are inactive. If you have a shortcut saved to your desktop or favorites and you attempt to login you will receive an error message. Please visit: https://kansascash.ks.gov/just_for_holders.html

Are negative (zero) reports required by Kansas?

No, ([See KSA 58-3950 paragraph i](#)) However if not, properties under \$100 need to be accumulated if not reported until their total reaches \$250, and then they must all be reported. The unclaimed property administrator can supersede the above statement and require a report at any time. ([See KSA 58-3950 paragraph k](#))

What are my responsibilities to notify owners of their property (due diligence)?

Notification letters must be sent for all properties over \$100, safe deposit boxes and securities. Letters must be sent no more than 120 days or no less than 60 days before the report is filed. For November 1st reports this generally falls between July 1st and August 31st. For May 1st life insurance reporting this generally falls between January 1st and March 2nd. Please be aware it can take several weeks for all of our reports to be loaded during busy deadline times. If an owner calls you after the deadline in the letter, please make them aware the funds may not immediately be available. Letters are not required to be sent to an address that your records indicate are inaccurate. Our office tracks the percentage of due diligence failures filed by your company (the percent of claimants still living at the same reported address). (See [KSA 58-3950 paragraph e](#)) Sample due diligence letter

Why do I have to submit a statement of compliance from a CPA or a board resolution if I am a financial organization or an insurance company?

To avoid an audit. (See [KSA 58-3963 paragraph b](#)) See the pull down from Forms page for resolutions.

What kind of deductions can I take from reported property?

Dormancy or inactivity charges may be imposed; however, there must be a written contract authorizing the charges and they can only be imposed for five years. The owner must be notified before charges begin. (See [KSA 58-3935 paragraph h](#))

Can I be reimbursed for safe deposit rental fees and drilling charges?

Yes. After we sell the property you will be paid what remains after our costs of sale are deducted. (See [KSA 58-3953 paragraph g](#))

What is aggregate?

Aggregate is a total of several items under \$100 each. (See [KSA 58-3950 paragraph b3](#)) You do not have to supply owner details for aggregate items but we recommend you do. If we are contacted by a claimant in regard to one of these amounts in the future, you will have to research your records and supply us with the details.

As a financial institution, if I'm not getting customer statements returned to me by the post office, should I report such accounts as unclaimed property?

No. (See [KSA 58-3935 paragraph f](#))

What is the dormancy period for _____??

Specific dormancy periods are outlined starting at the beginning of [KSA 58-3935](#). **The dormancy period for any type of property not specifically mentioned is five years.** (See [KSA 58-3935 paragraph a, sub-paragraph 15](#)) [Current dormancy period table](#).

Are vendor to vendor payments reportable?

Not after July 1, 1999. (See [KSA 58-3935, paragraph g](#)) For a payment to be excluded:

The payee must be a business

Not all payments from one business to another meet the exception in Kansas. A "commercial transaction" is the buying and selling of goods or services. The phrase "In the ordinary course of the holder's business" is borrowed from the uniform commercial code and refers to the usual routine, customs, practices, and transactions of a business. It is measured both subjectively for the business in question and objectively by asking if the transaction is normal for the industry in which the business is engaged. Lastly the transaction must be for the benefit of the buyer or seller and not to satisfy a pre-existing debt or obligation.

One example of a case that does not meet this last requirement is the payment of a claim by an insurance company either directly to the insured or a third-party vendor providing services to the insured. This would not meet the requirement because the payment fulfills the insurance company's contractual obligation to its insured, and the insurance company is not buying the services for its own use.

Transactions dated June 30, 1994 or earlier are still reportable but those dated July 1st, 1994 or later are not.

What other types of property are exempt from the Unclaimed Property law?

See [this page](#) the exemptions are listed there.

Can I get an extension on my report's due date?

Yes; mail or fax this [form](#).

Once I report property for an owner, what about any future amounts that might accrue to them?

Ongoing payments of such things as dividends, stock, or mineral royalties are automatically reportable once the first payment is eligible. In other words, once the first dividend or royalty payment is reported, you do not have to wait another 5 years to report the next payment. See [KSA 58-3935 paragraph 17b](#)

What penalties and fines may be assessed to holders?

See [KSA 58-3967](#). A holder who fails to report, pay or deliver property within the time prescribed by law may be assessed \$100 for each day the report is not presented, not to exceed \$5,000. A person who willfully fails to pay or deliver unclaimed property will be assessed a civil penalty of 25% of the value of the property.

Can I report and deliver property early (before the prescribed dormancy period has elapsed)?

Yes, with written permission from us. See [this form](#).

What does the law say about the reporting of tax-deferred accounts such as IRA's?

These may be turned in 3 years after:

- Distribution or attempted distribution
 - Date of required distribution (if specified in the plan)
 - Date distribution must begin to avoid a tax penalty
- See [KSA 58-3935 paragraph a, subparagraph 14](#) for details.
New [2020-IRS Revenue Ruling 2018-17](#).

What if my company has failed to file a report of unclaimed property and is out of compliance?

Please contact our department for information on our voluntary compliance program. Inquiries may be e-mailed to [Kansas Holder Service at KSholder@treasurer.ks.gov](mailto:KSholder@treasurer.ks.gov) or by phone at 785-291-3173. This is the required [form](#) please send in the original.

Do I still have to report if my records are incomplete?

Yes. You should report and remit such amounts as may be reasonably estimated from available records. See [KSA 58-3963 paragraph e](#)

How long must I keep records on what I've reported to the state?

Ten years, except sellers of travelers checks and money orders must maintain records for three years after those items are reported. See [KSA 58-3964](#).

Are gift certificates/gift cards reportable?

No. The language was taken out of our law in 1999. If you are holding gift certificates/gift cards dated before June 30, 1994 please call our office for reporting instructions.

What are ACH/wire transfer instructions?

Please click [here](#) for instructions.

Can I report property with a last known address for another state?

Unclaimed Property Laws require businesses to report to the State of the owner's last known address. As a convenience, the State of Kansas will accept property of owners who live in other states **if you are incorporated in Kansas**. Our Department will forward the names and funds of the out of state owners to the appropriate states on a reciprocal report. **However, some states require direct reporting**. You must follow the laws of the State in which you are holding property for. Contact information for other states can be found at www.unclaimed.org.