**Section 760.100 Definitions**

"Act" or "Revised Act" means the Revised Uniform Unclaimed Property Act [765 ILCS 1026].

*"Administrator" means the State Treasurer.*

*"Administrator's Agent"* or "Auditor" *means a person with whom the administrator contracts to conduct an examination under Article 10 of the Act on behalf of the administrator. The term includes an independent contractor of the person and each individual participating in the examination on behalf of the person or contractor.* [765 ILCS 1026/15-102]

"Affiliated Group of Merchants" means 2 or more affiliated merchants or other persons that are related by common ownership or common corporate control and that share the same name, mark, or logo. The term also applies to 2 or more merchants or other persons that agree among themselves, by contract or otherwise, to redeem cards, codes, or other devices bearing the same name, mark, or logo (other than the mark, logo, or brand of a payment network), for the purchase of goods or services solely at such merchants or persons. However, merchants or other persons are not considered to be affiliated merely because they agree to accept a card that bears the mark, logo, or brand of a payment network.

*"Apparent Owner" means a person whose name appears on the records of a holder as the owner of property held, issued or owing by the holder.*

*"Business Association" means a corporation, joint stock company, investment company, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, insurance company, federally chartered entity, utility, sole proprietorship, or other business entity, whether or not for profit.*

*"Confidential Information" means information that is "personal information" under the Personal Information Protection Act* [815 ILCS 530/5]*, "private information" under the Freedom of Information Act* [5 ILCS 140/2(c-5)], *or personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information as provided in the Freedom of Information Act* [5 ILCS 140/7(1)(c)]*.*

*"Domicile" means:*

*for a corporation, the state of its incorporation;*

*for a business association whose formation requires a filing with a state, other than a corporation, the state of its filing;*

*for a federally chartered entity or an investment company registered under the Investment Company Act of 1940* (15 U.S.C. 80a-1 through 80a-63)*, the state of its home office; and*

*for any other holder, the state of its principal place of business.* [765 ILCS 1026/15-102]

"DOR" means the Illinois Department of Revenue.

*"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.*

*"Electronic Mail"* or "E-mail" *means a communication by electronic means that is automatically retained and stored and may be readily accessed or retrieved.*

*"Escheat Fee" means any charge imposed solely by virtue of property being reported as presumed abandoned.*

*"Financial Organization" means a bank, savings bank, foreign bank, corporate fiduciary, currency exchange, money transmitter, or credit union.* [765 ILCS 1026/15-102]

"Former Act" means the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025], repealed effective January 1, 2018.

*"Game-Related Digital Content" means digital content that exists only in an electronic game or electronic game platform. The term includes:*

*game-play currency such as a virtual wallet, even if denominated in United States currency;*

*the following, if for use or redemption only within the game or platform or another electronic game or electronic game platform:*

*points sometimes referred to as gems, tokens, gold and similar names; and*

*digital codes; and*

*does not include an item that the issuer:*

*permits to be redeemed for use outside a game or platform for money or goods/services that have more than minimal value; or*

*otherwise monetizes for use outside a game or platform.*

*"Gift Card" means a record evidencing a promise made for consideration by the seller or issuer of the record that goods, services or money will be provided to the owner of the record to the value or amount shown in the record that is either:*

*a record:*

*issued on a prepaid basis primarily for personal, family or household purposes to a consumer in a specified amount;*

*the value of which does not expire;*

*that is not subject to a dormancy, inactivity or post-sale service fee;*

*that is redeemable upon presentation for goods or services; and*

*that, unless required by law, may not be redeemed for or converted into money or otherwise monetized by the issuer; or*

*a prepaid commercial mobile radio service, as defined in 47 CFR 20.3.*

*"Holder" means a person obligated to hold for the account of, or to deliver or pay to, the owner, property subject to the Act.*

*"Insurance Company" means an association, corporation or fraternal or mutual-benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities or insurance, including accident, burial, casualty, credit-life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and workers' compensation insurance.*

*"Loyalty Card" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program that may be used or redeemed only to obtain goods or services or a discount on goods or services. The term does not include a record that may be redeemed for money or otherwise monetized by the issuer.* [765 ILCS 1026/15-102]

"Merchandise Credit" means in-store credit for returned merchandise redeemable for merchandise, goods or services upon presentation at a single merchant or an affiliated group of merchants.

*"Mineral" means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, and any other substance defined as a mineral by other law of this State.*

*"Mineral Proceeds" means an amount payable for extraction, production, or sale of minerals, or, on the abandonment of the amount, an amount that becomes payable after abandonment. The term includes an amount payable:*

*for the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, and delay rental;*

*for the extraction, production or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment, and production payment; and*

*under an agreement or option, including a joint-operating agreement, unit agreement, pooling agreement, and farm-out agreement.*

*"Money Order" means a payment order for a specified amount of money. The term includes an express money order and a personal money order on which the remitter is the purchaser.*

*"Municipal Bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state.*

*"Net Card Value" means the original purchase price or original issued value of a stored-value card, plus amounts added to the original price or value, minus amounts used and any service charge, fee, or dormancy charge permitted by law.*

*"Non-Freely Transferable Security" means a security that cannot be delivered to the administrator by the Depository Trust Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.* [765 ILCS 1026/15-102]

"Online sports wagering" means internet sports gaming and sports betting that is subject to the applicable laws administered by the Illinois Gaming Board under the Sports Wagering Act [230 ILCS 45] and the Illinois Racing Board under the Illinois Horse Racing Act of 1975 [230 ILCS 5].

*"Owner", unless the context otherwise requires, means a person that has a legal, beneficial, or equitable interest in property subject to the Act or the person's legal representative when acting on behalf of the owner. The term includes:*

*a depositor, for a deposit;*

*a beneficiary, for a trust other than a deposit in trust;*

*a creditor, claimant or payee, for other property; and*

*the lawful bearer of a record that may be used to obtain money, a reward, or a thing of value.*

*"Payroll Card" means a record that evidences a payroll-card account as defined in 12 CFR 1005 (Regulation E).* [765 ILCS 1026/15-102]

"Payroll-Card Account" is an account that is directly or indirectly established through an employer and to which electronic fund transfers of the consumer's wages, salary or other employee compensation (such as commissions) are made on a recurring basis, whether the account is operated or managed by the employer, a third-party payroll processor, a depository institution, or any other person.

*"Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity, whether or not for profit.*

*"Property" means tangible property described in Section 15-201* of the Act *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:*

*includes all income from or increments to the property;*

*includes property referred to as or evidenced by:*

*money, virtual currency, interest, or a dividend, check, draft, deposit or payroll card;*

*a credit balance, customer's overpayment, stored-value card, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds, or unidentified remittance;*

*a security except for:*

*a worthless security; or*

*a security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;*

*a bond, debenture, note, or other evidence of indebtedness;*

*money deposited to redeem a security, make a distribution, or pay a dividend;*

*an amount due and payable under an annuity contract or insurance policy;*

*an amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profitsharing, employee savings, supplemental unemployment insurance, or a similar benefit; and*

*any instrument on which a financial organization or business association is directly liable; and*

*does not include:*

*game related digital content;*

*a loyalty card;*

*a gift card; or*

*funds on deposit or held in trust pursuant to Section 16 of the Illinois Pre-Need Cemetery Sales Act.* [815 ILCS 390]

*"Putative Holder" means a person believed by the administrator to be a holder, until the person pays or delivers to the administrator property subject to* the *Act, or the administrator or a court makes a final determination that the person is or is not a holder.*

*"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

*"Records of the Holder" includes records maintained by a third party that has contracted with the holder.*

*"Security" means:*

*a security as defined in Article 8 of the Uniform Commercial Code* [810 ILCS 5/8-102]*;*

*a security entitlement as defined in Article 8 of the Uniform Commercial Code, including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:*

*registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;*

*payable to the order of the person; or*

*specifically indorsed to the person; or*

*an equity interest in a business association not included in the above paragraph.*

*"Sign" means, with present intent to authenticate or adopt a record:*

*to execute or adopt a tangible symbol; or*

*to attach to or logically associate with the record an electronic symbol, sound or process.*

*"State"*, when not limited to the State of Illinois, *means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.* When capitalized, the term "State" means the State of Illinois. [765 ILCS 1026/15-102]

"State Treasurer" means the duly elected Treasurer of the State of Illinois.

*"Stored-Value Card" means a card, code, or other device that is:*

*issued on a prepaid basis primarily for personal, family, or household purposes to a consumer in a specified amount, whether or not that amount may be increased or reloaded in exchange for payment; and*

*redeemable upon presentation at multiple unaffiliated merchants for goods or services or usable at automated teller machines;*

*Stored value card does not include a gift card, payroll card, loyalty card, or game related digital content.*

*"Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for the following public services:*

*transmission of communications or information;*

*production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam or gas; or*

*provision of sewage or septic services, or trash, garbage or recycling disposal.*

*"Virtual Currency" means any type of digital unit, including cryptocurrency used as a medium of exchange, unit of account, or a form of digitally stored value that does not have legal tender status recognized by the United States. The term does not include:*

*the software or protocols governing the transfer of the digital representation of value;*

*game related digital content; or*

*a loyalty card or gift card.*

*"Worthless Security" means a security whose cost of liquidation and delivery to the administrator would exceed the value of the security on the date a report is due under* the *Act.* [765 ILCS 1026/15-102]

(Source: Amended at 46 Ill. Reg. 16898, effective September 26, 2022)