**Section 760.215 Financial Organizations**

a) Demand, Savings, or Time Deposits. A demand, savings, or time deposit is presumed abandoned as follows:

1) *a demand deposit, 3 years after the date of the last indication of interest in the property by the apparent owner;*

2) *a savings deposit, 3 years after the date of last indication of interest in the property by the apparent owner;*

3) *a time deposit for which the owner has not consented to automatic renewal of the time deposit, 3 years after the later of maturity or the date of the last indication of interest in the property by the apparent owner;* and

4) *an automatically renewable time deposit for which the owner consented to the automatic renewal in a record to file with the holder, 3 years after the date of last indication of interest in the property by the apparent owner, following the completion of the initial term of the time deposit and one automatic renewal term of the time deposit.* [765 ILCS 1026/15-201(6)]

b) Automatically Renewable Deposits

1) General Rule. A *deposit that is automatically renewable* is presumed abandoned *3 years after the date of last indication of interest in the property by the apparent owner, following the completion of the initial term of the time deposit and one automatic renewal term of the time deposit*. [765 ILCS 1026/15-201(6)]

2) Anti-penalty Provision. *If property in a report under Section 15-401* of the Act *is an automatically renewable time deposit and the holder determines that a penalty or forfeiture in the payment of interest would result from paying the deposit to the administrator at the time of the report, the date for reporting and delivering the property to the administrator is extended until a penalty or forfeiture no longer would result from delivery of the property to the administrator. The holder shall report and deliver the property on the next regular date prescribed for reporting by the holder under* Section 15-603(b)of the Act *after this extended date, and the holder shall indicate in its report to the administrator that the property is being reported on an extended date pursuant to this subsection*. [765 ILCS 1026/15-603(b)]

3) Under the Act, the time when a holder is required to remit to the administrator a presumptively abandoned automatically renewable deposit is dependent upon both the term of the deposit and whether there is a penalty or forfeiture of interest provision applicable to such an automatically renewable deposit.

4) If it does not have a penalty or forfeiture of interest provision, then a presumptively abandoned automatically renewable deposit should be remitted to the administrator with the holder's first report after the initial term of the deposit and one automatic renewal term plus 3 years.

5) When a holder is required to remit a presumptively abandoned automatically renewable deposit with a penalty or forfeiture of interest provision depends upon the term of the deposit.

A) A presumptively abandoned automatically renewable deposit with a term of less than one year should be remitted to the administrator in the holder's first report after the initial term and one automatic renewal term plus 3 years.

EXAMPLE: A 6-month certificate of deposit would be remitted with the holder's first report after 4 years have passed. This would be the initial 6-month term, one automatic 6-month renewal term, plus the 6 additional 6-month terms that comprise the 3-year period of abandonment and then the time, which should be less than a year, until the holder's next report is due under the Act.

B) A presumptively abandoned automatically renewable deposit with a term of less than 3 years, but more than one year, should be remitted to the administrator with the holder's first report after the initial term and one automatic renewal term plus 3 years plus any time needed to avoid a penalty.

EXAMPLE: A 2-year certificate of deposit would be remitted with the holder's first report after 8 years have passed. This would be the initial 2-year term, one automatic 2-year renewal term, plus the 3-year period of abandonment plus the final year of the fourth 2-year term so as to avoid the penalty (i.e., the first report after four 2-year terms).

C) A presumptively abandoned automatically renewable deposit with a term of 3 years or more should be remitted to the administrator with the holder's first report after the end of the third term of the deposit.

EXAMPLE: A 5-year certificate of deposit would be remitted with the holder's first report after 15 years have passed. After the first 5-year term and one automatic renewal term, the end of the 3-year period of abandonment falls within the third 5-year term. So, to avoid any penalty, the certificate of deposit is remitted with the holder's first report after the end of the third 5-year term.

c) Money Orders. Subject to Section 15-201 of the Act, money orders are presumed abandoned 5 years after issuance.

d) Instruments other than money orders. Subject to Section 15-201 of the Act, any *instrument on which a financial organization or business association is directly liable, other than a money order*, is presumed abandoned *3 years after issuance.* [765 ILCS 1026/15-201(3)]

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