

Redwine
McCoy
Schurer

SSB-1123
Commerce

SENATE FILE (SF) HF 413
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON JENSEN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for access to a safe deposit box on the death of
2 the owner or lessee of such box, and exempting state banks
3 from liability associated with such access.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. NEW SECTION. 524.810A SAFE DEPOSIT BOX ACCESS
2 ON DEATH OF OWNER OR LESSEE.

3 1. The following persons may access and remove any or all
4 contents of a safe deposit box located at a state bank and
5 described in an ownership or rental agreement or lease between
6 the state bank and a deceased owner or lessee:

7 a. A co-owner or co-lessee of the safe deposit box.

8 b. A person designated in the safe deposit box agreement
9 or lease to have access to the safe deposit box upon the death
10 of the lessee, to the extent provided in the safe deposit box
11 agreement or lease.

12 c. An executor or administrator of the estate of a
13 deceased owner or lessee upon delivery to the state bank of a
14 certified copy of letters of appointment.

15 d. A trustee of a trust created by the deceased owner or
16 lessee upon delivery to the state bank of a copy of the trust
17 together with a certificate by the trustee which certifies
18 that the copy of the trust delivered to the state bank with
19 the certificate is an accurate and complete copy of the trust,
20 the trustee is the duly authorized and acting trustee under
21 the trust, the trust property includes property in the safe
22 deposit box, and that to the knowledge of the trustee the
23 trust has not been revoked.

24 e. A person authorized pursuant to a court order to have
25 access to the safe deposit box.

26 2. a. If a person authorized to have access under
27 subsection 1 does not request access to the safe deposit box
28 within the thirty-day period immediately following the date of
29 death of the owner or lessee of a safe deposit box, and the
30 state bank has knowledge of the death of the owner or lessee
31 of the safe deposit box, the safe deposit box may be opened by
32 or in the presence of two officers of the state bank. If no
33 key is produced, the state bank may cause the safe deposit box
34 to be opened and the state bank shall have a claim against the
35 estate of the deceased owner or lessee and a lien upon the

1 contents of the safe deposit box for the costs of opening and
2 resealing the safe deposit box.

3 b. If a safe deposit box is opened pursuant to paragraph
4 "a", the bank officers present at such opening shall do all of
5 the following:

6 (1) Remove any purported will of the deceased owner or
7 lessee.

8 (2) Unseal, copy, and retain in the records of the state
9 bank a copy of a purported will removed from the safe deposit
10 box. An additional copy of such purported will shall be made,
11 dated, and signed by the officers present at the safe deposit
12 box opening and placed in the safe deposit box. The safe
13 deposit box shall then be resealed.

14 (3) The original of a purported will shall be sent by
15 registered or certified mail or personally delivered to the
16 district court in the county of the last known residence of
17 the deceased owner or lessee. If the residence is unknown or
18 last known and not in this state, the purported will shall be
19 sent by registered or certified mail or personally delivered
20 to the district court in the county where the safe deposit box
21 is located.

22 3. The state bank may rely upon published information or
23 other reasonable proof of death of an owner or lessee. A
24 state bank has no duty to inquire about or discover, and is
25 not liable to any person for failure to inquire about or
26 discover, the death of the owner or lessee of a safe deposit
27 box. A state bank has no duty to open or cause to be opened,
28 and is not liable to any person for failure to open or cause
29 to be opened, a safe deposit box of a deceased owner or
30 lessee. Upon compliance with the requirements of subsection 1
31 or 2, the state bank is not liable to any person as a result
32 of the opening of the safe deposit box, removal and delivery
33 of the purported will, or retention of the unopened safe
34 deposit box and contents.

35

EXPLANATION

1 This bill creates new Code section 524.810A and establishes
2 requirements for the opening of a safe deposit box of a
3 deceased owner or lessee of such safe deposit box. The bill
4 authorizes certain persons to have access to the safe deposit
5 box, including a co-owner or co-lessee of the safe deposit
6 box; a person designated in the safe deposit box agreement or
7 lease to have access to the safe deposit box upon the death of
8 the lessee; an executor or administrator of the estate of a
9 deceased owner or lessee upon delivery to the state bank of a
10 certified copy of letters of appointment; a trustee of a trust
11 created by the deceased owner or lessee upon proof of the
12 validity of the trust, that the trustee is the duly authorized
13 and acting trustee under the trust, that the trust property
14 includes property in the safe deposit box, and that to the
15 knowledge of the trustee the trust has not been revoked; and a
16 person authorized pursuant to a court order to have access to
17 the safe deposit box.

18 The bill provides that if the state bank has knowledge of
19 the death of the owner or lessee of the safe deposit box, and
20 if a person authorized access to the safe deposit box does not
21 request such access with the 30-day period immediately
22 following the date of death of the owner or lessee of a safe
23 deposit box, the safe deposit box may be opened by or in the
24 presence of two officers of the state bank. If the safe
25 deposit box is opened, the bank officers present at such
26 opening must remove any purported will of the deceased owner
27 or lessee; unseal, copy, and retain in the records of the
28 state bank a copy of a purported will removed from the safe
29 deposit box, place an additional copy back in the safe deposit
30 box, and reseal the safe deposit box; and send the original of
31 a purported will by registered or certified mail or personally
32 deliver such will to the district court in the county of the
33 last known residence of the deceased owner or lessee. If the
34 residence is unknown or last known and not in this state, the
35 purported will shall be sent by registered or certified mail

1 or personally delivered to the district court in the county
2 where the safe deposit box is located.

3 The bill also provides that a state bank has no duty to
4 inquire about the death of the owner or lessee of a safe
5 deposit box and has no duty to open or cause to be opened a
6 safe deposit box of a deceased owner or lessee. Upon
7 compliance with the requirements established in the new Code
8 section, the state bank is not liable to any person as a
9 result of the opening of the safe deposit box, removal and
10 delivery of the purported will, or retention of the unopened
11 safe deposit box and contents.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

REPRINTED

FILED MAR 11 1999

SENATE FILE 413
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1123)

Passed Senate, Date ^(P. 849) 3/30/99 Passed House, Date ^(P. 1202) 4/12/99
Vote: Ayes 48 Nays 0 Vote: Ayes 93 Nays 1
Approved May 19, 1999

A BILL FOR

1 An Act providing for access to a safe deposit box on the death of
2 the owner or lessee of such box, and exempting state banks
3 from liability associated with such access.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 413

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. NEW SECTION. 524.810A SAFE DEPOSIT BOX ACCESS
2 ON DEATH OF OWNER OR LESSEE.

3 1. The following persons may access and remove any or all
4 contents of a safe deposit box located at a state bank and
5 described in an ownership or rental agreement or lease between
6 the state bank and a deceased owner or lessee:

7 a. A co-owner or co-lessee of the safe deposit box.

8 b. A person designated in the safe deposit box agreement
9 or lease to have access to the safe deposit box upon the death
10 of the lessee, to the extent provided in the safe deposit box
11 agreement or lease.

12 c. An executor or administrator of the estate of a
13 deceased owner or lessee upon delivery to the state bank of a
14 certified copy of letters of appointment.

15 d. A trustee of a trust created by the deceased owner or
16 lessee upon delivery to the state bank of a copy of the trust
17 together with a certificate by the trustee which certifies
18 that the copy of the trust delivered to the state bank with
19 the certificate is an accurate and complete copy of the trust,
20 the trustee is the duly authorized and acting trustee under
21 the trust, the trust property includes property in the safe
22 deposit box, and that to the knowledge of the trustee the
23 trust has not been revoked.

24 e. A person authorized pursuant to a court order to have
25 access to the safe deposit box.

26 2. a. If a person authorized to have access under
27 subsection 1 does not request access to the safe deposit box
28 within the thirty-day period immediately following the date of
29 death of the owner or lessee of a safe deposit box, and the
30 state bank has knowledge of the death of the owner or lessee
31 of the safe deposit box, the safe deposit box may be opened by
32 or in the presence of two officers of the state bank. If no
33 key is produced, the state bank may cause the safe deposit box
34 to be opened and the state bank shall have a claim against the
35 estate of the deceased owner or lessee and a lien upon the

1 contents of the safe deposit box for the costs of opening and
2 resealing the safe deposit box.

3 b. If a safe deposit box is opened pursuant to paragraph
4 "a", the bank officers present at such opening shall do all of
5 the following:

6 (1) Remove any purported will of the deceased owner or
7 lessee.

8 (2) Unseal, copy, and retain in the records of the state
9 bank a copy of a purported will removed from the safe deposit
10 box. An additional copy of such purported will shall be made,
11 dated, and signed by the officers present at the safe deposit
12 box opening and placed in the safe deposit box. The safe
13 deposit box shall then be resealed.

14 (3) The original of a purported will shall be sent by
15 registered or certified mail or personally delivered to the
16 district court in the county of the last known residence of
17 the deceased owner or lessee. If the residence is unknown or
18 last known and not in this state, the purported will shall be
19 sent by registered or certified mail or personally delivered
20 to the district court in the county where the safe deposit box
21 is located.

22 3. The state bank may rely upon published information or
23 other reasonable proof of death of an owner or lessee. A
24 state bank has no duty to inquire about or discover, and is
25 not liable to any person for failure to inquire about or
26 discover, the death of the owner or lessee of a safe deposit
27 box. A state bank has no duty to open or cause to be opened,
28 and is not liable to any person for failure to open or cause
29 to be opened, a safe deposit box of a deceased owner or
30 lessee. Upon compliance with the requirements of subsection 1
31 or 2, the state bank is not liable to any person as a result
32 of the opening of the safe deposit box, removal and delivery
33 of the purported will, or retention of the unopened safe
34 deposit box and contents.

35

EXPLANATION

1 This bill creates new Code section 524.810A and establishes
2 requirements for the opening of a safe deposit box of a
3 deceased owner or lessee of such safe deposit box. The bill
4 authorizes certain persons to have access to the safe deposit
5 box, including a co-owner or co-lessee of the safe deposit
6 box; a person designated in the safe deposit box agreement or
7 lease to have access to the safe deposit box upon the death of
8 the lessee; an executor or administrator of the estate of a
9 deceased owner or lessee upon delivery to the state bank of a
10 certified copy of letters of appointment; a trustee of a trust
11 created by the deceased owner or lessee upon proof of the
12 validity of the trust, that the trustee is the duly authorized
13 and acting trustee under the trust, that the trust property
14 includes property in the safe deposit box, and that to the
15 knowledge of the trustee the trust has not been revoked; and a
16 person authorized pursuant to a court order to have access to
17 the safe deposit box.

18 The bill provides that if the state bank has knowledge of
19 the death of the owner or lessee of the safe deposit box, and
20 if a person authorized access to the safe deposit box does not
21 request such access within the 30-day period immediately
22 following the date of death of the owner or lessee of a safe
23 deposit box, the safe deposit box may be opened by or in the
24 presence of two officers of the state bank. If the safe
25 deposit box is opened, the bank officers present at such
26 opening must remove any purported will of the deceased owner
27 or lessee; unseal, copy, and retain in the records of the
28 state bank a copy of a purported will removed from the safe
29 deposit box, place an additional copy back in the safe deposit
30 box, and reseal the safe deposit box; and send the original of
31 a purported will by registered or certified mail or personally
32 deliver such will to the district court in the county of the
33 last known residence of the deceased owner or lessee. If the
34 residence is unknown or last known and not in this state, the
35 purported will shall be sent by registered or certified mail

1 or personally delivered to the district court in the county
2 where the safe deposit box is located.

3 The bill also provides that a state bank has no duty to
4 inquire about the death of the owner or lessee of a safe
5 deposit box and has no duty to open or cause to be opened a
6 safe deposit box of a deceased owner or lessee. Upon
7 compliance with the requirements established in the new Code
8 section, the state bank is not liable to any person as a
9 result of the opening of the safe deposit box, removal and
10 delivery of the purported will, or retention of the unopened
11 safe deposit box and contents.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 413

3175

1 Amend Senate File 413 as follows:

2 1. Page 2, by inserting after line 34 the
3 following:

4 "Sec. ____ . NEW SECTION. 533.49E SAFE DEPOSIT
5 ACCESS ON DEATH OF OWNER OR LESSEE.

6 1. A credit union shall permit a person named in
7 and authorized by a court order to open, examine, and
8 remove the contents of a safe deposit box located at
9 the credit union. If a court order has not been
10 delivered to the credit union, the following persons
11 may access and remove any or all contents of a safe
12 deposit box located at a state credit union and
13 described in an ownership or rental agreement or lease
14 between the state credit union and a deceased owner or
15 lessee:

16 a. A co-owner or co-lessee of the safe deposit
17 box.

18 b. A person designated in the safe deposit box
19 agreement or lease to have access to the safe deposit
20 box upon the death of the lessee, to the extent
21 provided in the safe deposit box agreement or lease.

22 c. An executor or administrator of the estate of a
23 deceased owner or lessee upon delivery to the state
24 credit union of a certified copy of letters of
25 appointment.

26 d. A person named as an executor in a copy of a
27 purported will produced by the person, provided such
28 access shall be limited to the removal of a purported
29 will, and no other contents shall be removed.

30 e. A trustee of a trust created by the deceased
31 owner or lessee upon delivery to the state credit
32 union of a copy of the trust together with an
33 affidavit by the trustee which certifies that the copy
34 of the trust delivered to the state credit union with
35 the affidavit is an accurate and complete copy of the
36 trust, the trustee is the duly authorized and acting
37 trustee under the trust, the trust property includes
38 property in the safe deposit box, and that to the
39 knowledge of the trustee the trust has not been
40 revoked.

41 2. A person removing any contents of a safe
42 deposit box pursuant to subsection 1 shall deliver any
43 writing purported to be a will of the decedent to the
44 court having jurisdiction over the decedent's estate,
45 and shall deliver any document purported to be an
46 insurance policy on the life of the decedent to the
47 beneficiary named in such policy.

48 3. a. If a person authorized to have access under
49 subsection 1 does not request access to the safe
50 deposit box within the thirty-day period immediately

-3175

-1-

S-3175

Page 2

1 following the date of death of the owner or lessee of
2 a safe deposit box, and the state credit union has
3 knowledge of the death of the owner or lessee of the
4 safe deposit box, the safe deposit box may be opened
5 by or in the presence of two officers of the state
6 credit union. If no key is produced, the state credit
7 union may cause the safe deposit box to be opened and
8 the state credit union shall have a claim against the
9 estate of the deceased owner or lessee and a lien upon
10 the contents of the safe deposit box for the costs of
11 opening and resealing the safe deposit box.

12 b. If a safe deposit box is opened pursuant to
13 paragraph "a", the credit union officers present at
14 such opening shall do all of the following:

15 (1) Remove any purported will of the deceased
16 owner or lessee.

17 (2) Unseal, copy, and retain in the records of the
18 state credit union a copy of a purported will removed
19 from the safe deposit box. An additional copy of such
20 purported will shall be made, dated, and signed by the
21 officers present at the safe deposit box opening and
22 placed in the safe deposit box. The safe deposit box
23 shall then be resealed.

24 (3) The original of a purported will shall be sent
25 by registered or certified mail or personally
26 delivered to the district court in the county of the
27 last known residence of the deceased owner or lessee
28 or the court having jurisdiction over the testator's
29 estate. If the residence is unknown or last known and
30 not in this state, the purported will shall be sent by
31 registered or certified mail or personally delivered
32 to the district court in the county where the safe
33 deposit box is located.

34 3. The state credit union may rely upon published
35 information or other reasonable proof of death of an
36 owner or lessee. A state credit union has no duty to
37 inquire about or discover, and is not liable to any
38 person for failure to inquire about or discover, the
39 death of the owner or lessee of a safe deposit box. A
40 state credit union has no duty to open or cause to be
41 opened, and is not liable to any person for failure to
42 open or cause to be opened, a safe deposit box of a
43 deceased owner or lessee. Upon compliance with the
44 requirements of subsection 1 or 2, the state credit
45 union is not liable to any person as a result of the
46 opening of the safe deposit box, removal and delivery
47 of the purported will, or retention of the unopened
48 safe deposit box and contents."

49 2. Title page, line 2, by inserting after the word
50 "banks" the following: "and credit unions".

By JOHN REDWINE

S-3175 FILED MARCH 29, 1999

*Adopted
3/30/99
(P. 848)*

SENATE FILE 413

S-3137

1 Amend Senate File 413 as follows:

2 1. Page 1, line 3, by striking the word "The" and
3 inserting the following: "A bank shall permit a
4 person named in and authorized by a court order to
5 open, examine, and remove the contents of a safe
6 deposit box located at the bank. If a court order has
7 not been delivered to the bank, the".

8 2. Page 1, by inserting after line 14 the
9 following:

10 "d. A person named as an executor in a copy of a
11 purported will produced by the person, provided such
12 access shall be limited to the removal of a purported
13 will, and no other contents shall be removed."

14 3. Page 1, line 17, by striking the words "a
15 certificate" and inserting the following: "an
16 affidavit".

17 4. Page 1, line 19, by striking the word
18 "certificate" and inserting the following:
19 "affidavit".

20 5. Page 1, by striking lines 24 and 25 and
21 inserting the following:

22 "1A. A person removing any contents of a safe
23 deposit box pursuant to subsection 1 shall deliver any
24 writing purported to be a will of the decedent to the
25 court having jurisdiction over the decedent's estate,
26 and shall deliver any document purported to be an
27 insurance policy on the life of the decedent to the
28 beneficiary named in such policy."

29 6. Page 2, line 17, by inserting after the word
30 "lessee" the following: ", or the court having
31 jurisdiction over the testator's estate".

32 7. By renumbering as necessary.

By JOHN REDWINE

S-3137 FILED MARCH 24, 1999

Adopted
3/30/99
(P. 848)

1 Section 1. NEW SECTION. 524.810A SAFE DEPOSIT BOX ACCESS
2 ON DEATH OF OWNER OR LESSEE.

3 1. A bank shall permit a person named in and authorized by
4 a court order to open, examine, and remove the contents of a
5 safe deposit box located at the bank. If a court order has
6 not been delivered to the bank, the following persons may
7 access and remove any or all contents of a safe deposit box
8 located at a state bank and described in an ownership or
9 rental agreement or lease between the state bank and a
10 deceased owner or lessee:

11 a. A co-owner or co-lessee of the safe deposit box.

12 b. A person designated in the safe deposit box agreement
13 or lease to have access to the safe deposit box upon the death
14 of the lessee, to the extent provided in the safe deposit box
15 agreement or lease.

16 c. An executor or administrator of the estate of a
17 deceased owner or lessee upon delivery to the state bank of a
18 certified copy of letters of appointment.

19 d. A person named as an executor in a copy of a purported
20 will produced by the person, provided such access shall be
21 limited to the removal of a purported will, and no other
22 contents shall be removed.

23 e. A trustee of a trust created by the deceased owner or
24 lessee upon delivery to the state bank of a copy of the trust
25 together with an affidavit by the trustee which certifies that
26 the copy of the trust delivered to the state bank with the
27 affidavit is an accurate and complete copy of the trust, the
28 trustee is the duly authorized and acting trustee under the
29 trust, the trust property includes property in the safe
30 deposit box, and that to the knowledge of the trustee the
31 trust has not been revoked.

32 1A. A person removing any contents of a safe deposit box
33 pursuant to subsection 1 shall deliver any writing purported
34 to be a will of the decedent to the court having jurisdiction
35 over the decedent's estate, and shall deliver any document

1 purported to be an insurance policy on the life of the
2 decendent to the beneficiary named in such policy.

3 2. a. If a person authorized to have access under
4 subsection 1 does not request access to the safe deposit box
5 within the thirty-day period immediately following the date of
6 death of the owner or lessee of a safe deposit box, and the
7 state bank has knowledge of the death of the owner or lessee
8 of the safe deposit box, the safe deposit box may be opened by
9 or in the presence of two officers of the state bank. If no
10 key is produced, the state bank may cause the safe deposit box
11 to be opened and the state bank shall have a claim against the
12 estate of the deceased owner or lessee and a lien upon the
13 contents of the safe deposit box for the costs of opening and
14 resealing the safe deposit box.

15 b. If a safe deposit box is opened pursuant to paragraph
16 "a", the bank officers present at such opening shall do all of
17 the following:

18 (1) Remove any purported will of the deceased owner or
19 lessee.

20 (2) Unseal, copy, and retain in the records of the state
21 bank a copy of a purported will removed from the safe deposit
22 box. An additional copy of such purported will shall be made,
23 dated, and signed by the officers present at the safe deposit
24 box opening and placed in the safe deposit box. The safe
25 deposit box shall then be resealed.

26 (3) The original of a purported will shall be sent by
27 registered or certified mail or personally delivered to the
28 district court in the county of the last known residence of
29 the deceased owner or lessee, or the court having jurisdiction
30 over the testator's estate. If the residence is unknown or
31 last known and not in this state, the purported will shall be
32 sent by registered or certified mail or personally delivered
33 to the district court in the county where the safe deposit box
34 is located.

35 3. The state bank may rely upon published information or

1 other reasonable proof of death of an owner or lessee. A
2 state bank has no duty to inquire about or discover, and is
3 not liable to any person for failure to inquire about or
4 discover, the death of the owner or lessee of a safe deposit
5 box. A state bank has no duty to open or cause to be opened,
6 and is not liable to any person for failure to open or cause
7 to be opened, a safe deposit box of a deceased owner or
8 lessee. Upon compliance with the requirements of subsection 1
9 or 2, the state bank is not liable to any person as a result
10 of the opening of the safe deposit box, removal and delivery
11 of the purported will, or retention of the unopened safe
12 deposit box and contents.

13 Sec. 2. NEW SECTION. 533.49E SAFE DEPOSIT ACCESS ON
14 DEATH OF OWNER OR LESSEE.

15 1. A credit union shall permit a person named in and
16 authorized by a court order to open, examine, and remove the
17 contents of a safe deposit box located at the credit union.
18 If a court order has not been delivered to the credit union,
19 the following persons may access and remove any or all
20 contents of a safe deposit box located at a state credit union
21 and described in an ownership or rental agreement or lease
22 between the state credit union and a deceased owner or lessee:

23 a. A co-owner or co-lessee of the safe deposit box.
24 b. A person designated in the safe deposit box agreement
25 or lease to have access to the safe deposit box upon the death
26 of the lessee, to the extent provided in the safe deposit box
27 agreement or lease.

28 c. An executor or administrator of the estate of a
29 deceased owner or lessee upon delivery to the state credit
30 union of a certified copy of letters of appointment.

31 d. A person named as an executor in a copy of a purported
32 will produced by the person, provided such access shall be
33 limited to the removal of a purported will, and no other
34 contents shall be removed.

35 e. A trustee of a trust created by the deceased owner or

1 lessee upon delivery to the state credit union of a copy of
2 the trust together with an affidavit by the trustee which
3 certifies that the copy of the trust delivered to the state
4 credit union with the affidavit is an accurate and complete
5 copy of the trust, the trustee is the duly authorized and
6 acting trustee under the trust, the trust property includes
7 property in the safe deposit box, and that to the knowledge of
8 the trustee the trust has not been revoked.

9 2. A person removing any contents of a safe deposit box
10 pursuant to subsection 1 shall deliver any writing purported
11 to be a will of the decedent to the court having jurisdiction
12 over the decedent's estate, and shall deliver any document
13 purported to be an insurance policy on the life of the
14 decedent to the beneficiary named in such policy.

15 3. a. If a person authorized to have access under
16 subsection 1 does not request access to the safe deposit box
17 within the thirty-day period immediately following the date of
18 death of the owner or lessee of a safe deposit box, and the
19 state credit union has knowledge of the death of the owner or
20 lessee of the safe deposit box, the safe deposit box may be
21 opened by or in the presence of two officers of the state
22 credit union. If no key is produced, the state credit union
23 may cause the safe deposit box to be opened and the state
24 credit union shall have a claim against the estate of the
25 deceased owner or lessee and a lien upon the contents of the
26 safe deposit box for the costs of opening and resealing the
27 safe deposit box.

28 b. If a safe deposit box is opened pursuant to paragraph
29 "a", the credit union officers present at such opening shall
30 do all of the following:

31 (1) Remove any purported will of the deceased owner or
32 lessee.

33 (2) Unseal, copy, and retain in the records of the state
34 credit union a copy of a purported will removed from the safe
35 deposit box. An additional copy of such purported will shall

1 be made, dated, and signed by the officers present at the safe
2 deposit box opening and placed in the safe deposit box. The
3 safe deposit box shall then be resealed.

4 (3) The original of a purported will shall be sent by
5 registered or certified mail or personally delivered to the
6 district court in the county of the last known residence of
7 the deceased owner or lessee or the court having jurisdiction
8 over the testator's estate. If the residence is unknown or
9 last known and not in this state, the purported will shall be
10 sent by registered or certified mail or personally delivered
11 to the district court in the county where the safe deposit box
12 is located.

13 3. The state credit union may rely upon published
14 information or other reasonable proof of death of an owner or
15 lessee. A state credit union has no duty to inquire about or
16 discover, and is not liable to any person for failure to
17 inquire about or discover, the death of the owner or lessee of
18 a safe deposit box. A state credit union has no duty to open
19 or cause to be opened, and is not liable to any person for
20 failure to open or cause to be opened, a safe deposit box of a
21 deceased owner or lessee. Upon compliance with the
22 requirements of subsection 1 or 2, the state credit union is
23 not liable to any person as a result of the opening of the
24 safe deposit box, removal and delivery of the purported will,
25 or retention of the unopened safe deposit box and contents.

26
27
28
29
30
31
32
33
34
35

HOUSE AMENDMENT TO
SENATE FILE 413

S-3341

- 1 Amend Senate File 413, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 1, line 35, through page 2,
4 line 2, and inserting the following: "over the
5 decedent's estate."
6 2. Page 2, line 9, by striking the word
7 "officers" and inserting the following: "employees".
8 3. Page 2, line 16, by striking the word
9 "officers" and inserting the following: "employees".
10 4. Page 2, line 23, by striking the word
11 "officers" and inserting the following: "bank
12 employees".
13 5. Page 4, by striking lines 12 through 14 and
14 inserting the following: "over the decedent's
15 estate."
16 6. Page 4, line 21, by striking the word
17 "officers" and inserting the following: "employees".
18 7. Page 4, line 29, by striking the word
19 "officers" and inserting the following: "employees".
20 8. Page 5, line 1, by striking the word
21 "officers" and inserting the following: "credit union
22 employees".
23 9. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3341 FILED APRIL 13, 1999

Senate Concurred
4-20-99 (P.1210)

SENATE FILE 413

H-1540

- 1 Amend Senate File 413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 35, through page 2,
- 4 line 2, and inserting the following: "over the
- 5 decedent's estate."
- 6 2. Page 4, by striking lines 12 through 14 and
- 7 inserting the following: "over the decedent's
- 8 estate."

By JOHNSON of Osceola

H-1540 FILED APRIL 12, 1999

adopted

4/12/99 (P.1202)

SENATE FILE 413

H-1380

- 1 Amend Senate File 413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 9, by striking the word
- 4 "officers" and inserting the following: "employees".
- 5 2. Page 2, line 16, by striking the word
- 6 "officers" and inserting the following: "employees".
- 7 3. Page 2, line 23, by striking the word
- 8 "officers" and inserting the following: "bank
- 9 employees".
- 10 4. Page 4, line 21, by striking the word
- 11 "officers" and inserting the following: "employees".
- 12 5. Page 4, line 29, by striking the word
- 13 "officers" and inserting the following: "employees".
- 14 6. Page 5, line 1, by striking the word
- 15 "officers" and inserting the following: "credit union
- 16 employees".

By COMMITTEE ON COMMERCE AND
REGULATION
METCALF of Polk, Chairperson

H-1380 FILED APRIL 1, 1999

adopted 4/12/99

(P.1202)

AN ACT

PROVIDING FOR ACCESS TO A SAFE DEPOSIT BOX ON THE DEATH OF THE OWNER OR LESSEE OF SUCH BOX, AND EXEMPTING STATE BANKS AND CREDIT UNIONS FROM LIABILITY ASSOCIATED WITH SUCH ACCESS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 524.810A SAFE DEPOSIT BOX ACCESS ON DEATH OF OWNER OR LESSEE.

1. A bank shall permit a person named in and authorized by a court order to open, examine, and remove the contents of a safe deposit box located at the bank. If a court order has not been delivered to the bank, the following persons may access and remove any or all contents of a safe deposit box located at a state bank and described in an ownership or rental agreement or lease between the state bank and a deceased owner or lessee:

a. A co-owner or co-lessee of the safe deposit box.

b. A person designated in the safe deposit box agreement or lease to have access to the safe deposit box upon the death of the lessee, to the extent provided in the safe deposit box agreement or lease.

c. An executor or administrator of the estate of a deceased owner or lessee upon delivery to the state bank of a certified copy of letters of appointment.

d. A person named as an executor in a copy of a purported will produced by the person, provided such access shall be limited to the removal of a purported will, and no other contents shall be removed.

e. A trustee of a trust created by the deceased owner or lessee upon delivery to the state bank of a copy of the trust together with an affidavit by the trustee which certifies that the copy of the trust delivered to the state bank with the affidavit is an accurate and complete copy of the trust, the trustee is the duly authorized and acting trustee under the trust, the trust property includes property in the safe deposit box, and that to the knowledge of the trustee the trust has not been revoked.

2. A person removing any contents of a safe deposit box pursuant to subsection 1 shall deliver any writing purported to be a will of the decedent to the court having jurisdiction over the decedent's estate.

3. a. If a person authorized to have access under subsection 1 does not request access to the safe deposit box within the thirty-day period immediately following the date of death of the owner or lessee of a safe deposit box, and the state bank has knowledge of the death of the owner or lessee of the safe deposit box, the safe deposit box may be opened by or in the presence of two employees of the state bank. If no key is produced, the state bank may cause the safe deposit box to be opened and the state bank shall have a claim against the estate of the deceased owner or lessee and a lien upon the contents of the safe deposit box for the costs of opening and resealing the safe deposit box.

b. If a safe deposit box is opened pursuant to paragraph "a", the bank employees present at such opening shall do all of the following:

(1) Remove any purported will of the deceased owner or lessee.

(2) Unseal, copy, and retain in the records of the state bank a copy of a purported will removed from the safe deposit box. An additional copy of such purported will shall be made, dated, and signed by the bank employees present at the safe deposit box opening and placed in the safe deposit box. The safe deposit box shall then be resealed.

(3) The original of a purported will shall be sent by registered or certified mail or personally delivered to the district court in the county of the last known residence of the deceased owner or lessee, or the court having jurisdiction over the testator's estate. If the residence is unknown or last known and not in this state, the purported will shall be sent by registered or certified mail or personally delivered to the district court in the county where the safe deposit box is located.

4. The state bank may rely upon published information or other reasonable proof of death of an owner or lessee. A state bank has no duty to inquire about or discover, and is not liable to any person for failure to inquire about or discover, the death of the owner or lessee of a safe deposit box. A state bank has no duty to open or cause to be opened, and is not liable to any person for failure to open or cause to be opened, a safe deposit box of a deceased owner or lessee. Upon compliance with the requirements of subsection 1 or 3, the state bank is not liable to any person as a result of the opening of the safe deposit box, removal and delivery of the purported will, or retention of the unopened safe deposit box and contents.

Sec. 2. NEW SECTION. 533.49E SAFE DEPOSIT ACCESS ON DEATH OF OWNER OR LESSEE.

1. A credit union shall permit a person named in and authorized by a court order to open, examine, and remove the contents of a safe deposit box located at the credit union. If a court order has not been delivered to the credit union, the following persons may access and remove any or all

contents of a safe deposit box located at a state credit union and described in an ownership or rental agreement or lease between the state credit union and a deceased owner or lessee:

- a. A co-owner or co-lessee of the safe deposit box.
- b. A person designated in the safe deposit box agreement or lease to have access to the safe deposit box upon the death of the lessee, to the extent provided in the safe deposit box agreement or lease.
- c. An executor or administrator of the estate of a deceased owner or lessee upon delivery to the state credit union of a certified copy of letters of appointment.
- d. A person named as an executor in a copy of a purported will produced by the person, provided such access shall be limited to the removal of a purported will, and no other contents shall be removed.
- e. A trustee of a trust created by the deceased owner or lessee upon delivery to the state credit union of a copy of the trust together with an affidavit by the trustee which certifies that the copy of the trust delivered to the state credit union with the affidavit is an accurate and complete copy of the trust, the trustee is the duly authorized and acting trustee under the trust, the trust property includes property in the safe deposit box, and that to the knowledge of the trustee the trust has not been revoked.

2. A person removing any contents of a safe deposit box pursuant to subsection 1 shall deliver any writing purported to be a will of the decedent to the court having jurisdiction over the decedent's estate.

3. a. If a person authorized to have access under subsection 1 does not request access to the safe deposit box within the thirty-day period immediately following the date of death of the owner or lessee of a safe deposit box, and the state credit union has knowledge of the death of the owner or lessee of the safe deposit box, the safe deposit box may be opened by or in the presence of two employees of the state

credit union. If no key is produced, the state credit union may cause the safe deposit box to be opened and the state credit union shall have a claim against the estate of the deceased owner or lessee and a lien upon the contents of the safe deposit box for the costs of opening and resealing the safe deposit box.

b. If a safe deposit box is opened pursuant to paragraph "a", the credit union employees present at such opening shall do all of the following:

- (1) Remove any purported will of the deceased owner or lessee.
- (2) Unseal, copy, and retain in the records of the state credit union a copy of a purported will removed from the safe deposit box. An additional copy of such purported will shall be made, dated, and signed by the credit union employees present at the safe deposit box opening and placed in the safe deposit box. The safe deposit box shall then be resealed.
- (3) The original of a purported will shall be sent by registered or certified mail or personally delivered to the district court in the county of the last known residence of the deceased owner or lessee or the court having jurisdiction over the testator's estate. If the residence is unknown or last known and not in this state, the purported will shall be sent by registered or certified mail or personally delivered to the district court in the county where the safe deposit box is located.

4. The state credit union may rely upon published information or other reasonable proof of death of an owner or lessee. A state credit union has no duty to inquire about or discover, and is not liable to any person for failure to inquire about or discover, the death of the owner or lessee of a safe deposit box. A state credit union has no duty to open or cause to be opened, and is not liable to any person for failure to open or cause to be opened, a safe deposit box of a deceased owner or lessee. Upon compliance with the

requirements of subsection 1 or 2, the state credit union is not liable to any person as a result of the opening of the safe deposit box, removal and delivery of the purported will, or retention of the unopened safe deposit box and contents.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 413, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 19, 1999

THOMAS J. VILSACK
Governor