

Senate Study Bill 1123

Bill Text

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1 1 Section 1. NEW SECTION. 524.810A SAFE DEPOSIT BOX ACCESS
1 2 ON DEATH OF OWNER OR LESSEE.
1 3 1. The following persons may access and remove any or all
1 4 contents of a safe deposit box located at a state bank and
1 5 described in an ownership or rental agreement or lease between
1 6 the state bank and a deceased owner or lessee:
1 7 a. A co-owner or co-lessee of the safe deposit box.
1 8 b. A person designated in the safe deposit box agreement
1 9 or lease to have access to the safe deposit box upon the death
1 10 of the lessee, to the extent provided in the safe deposit box
1 11 agreement or lease.
1 12 c. An executor or administrator of the estate of a
1 13 deceased owner or lessee upon delivery to the state bank of a
1 14 certified copy of letters of appointment.
1 15 d. A trustee of a trust created by the deceased owner or
1 16 lessee upon delivery to the state bank of a copy of the trust
1 17 together with a certificate by the trustee which certifies
1 18 that the copy of the trust delivered to the state bank with
1 19 the certificate is an accurate and complete copy of the trust,
1 20 the trustee is the duly authorized and acting trustee under
1 21 the trust, the trust property includes property in the safe
1 22 deposit box, and that to the knowledge of the trustee the
1 23 trust has not been revoked.
1 24 e. A person authorized pursuant to a court order to have
1 25 access to the safe deposit box.
1 26 2. a. If a person authorized to have access under
1 27 subsection 1 does not request access to the safe deposit box
1 28 within the thirty-day period immediately following the date of
1 29 death of the owner or lessee of a safe deposit box, and the
1 30 state bank has knowledge of the death of the owner or lessee
1 31 of the safe deposit box, the safe deposit box may be opened by
1 32 or in the presence of two officers of the state bank. If no
1 33 key is produced, the state bank may cause the safe deposit box
1 34 to be opened and the state bank shall have a claim against the
1 35 estate of the deceased owner or lessee and a lien upon the
2 1 contents of the safe deposit box for the costs of opening and
2 2 resealing the safe deposit box.
2 3 b. If a safe deposit box is opened pursuant to paragraph
2 4 "a", the bank officers present at such opening shall do all of
2 5 the following:
2 6 (1) Remove any purported will of the deceased owner or
2 7 lessee.
2 8 (2) Unseal, copy, and retain in the records of the state
2 9 bank a copy of a purported will removed from the safe deposit
2 10 box. An additional copy of such purported will shall be made,
2 11 dated, and signed by the officers present at the safe deposit
2 12 box opening and placed in the safe deposit box. The safe
2 13 deposit box shall then be resealed.
2 14 (3) The original of a purported will shall be sent by
2 15 registered or certified mail or personally delivered to the
2 16 district court in the county of the last known residence of
2 17 the deceased owner or lessee. If the residence is unknown or
2 18 last known and not in this state, the purported will shall be
2 19 sent by registered or certified mail or personally delivered
2 20 to the district court in the county where the safe deposit box
2 21 is located.

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

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EXPLANATION

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

3 18 The bill provides that if the state bank has knowledge of
3 19 the death of the owner or lessee of the safe deposit box, and
3 20 if a person authorized access to the safe deposit box does not
3 21 request such access with the 30-day period immediately
3 22 following the date of death of the owner or lessee of a safe
3 23 deposit box, the safe deposit box may be opened by or in the
3 24 presence of two officers of the state bank. If the safe
3 25 deposit box is opened, the bank officers present at such
3 26 opening must remove any purported will of the deceased owner
3 27 or lessee; unseal, copy, and retain in the records of the
3 28 state bank a copy of a purported will removed from the safe
3 29 deposit box, place an additional copy back in the safe deposit
3 30 box, and reseal the safe deposit box; and send the original of
3 31 a purported will by registered or certified mail or personally
3 32 deliver such will to the district court in the county of the
3 33 last known residence of the deceased owner or lessee. If the
3 34 residence is unknown or last known and not in this state, the
3 35 purported will shall be sent by registered or certified mail
4 1 or personally delivered to the district court in the county
4 2 where the safe deposit box is located.

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

4 12 LSB 2156SC 78

4 13 mj/cf/24