

SENATE BILL NO. 190

BY SENATOR GALLOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

To amend and reenact R.S. 6:325, 653.4, 664(A), 767, and 768, relative to banks, credit unions, and mutual associations; to provide for the access and transfer of the contents of a safety deposit box by a bank, credit union, or association to a succession representative, heir, or legatee; to provide for access and transfer of the contents of certain accounts of a bank, credit union, or association to a succession representative, heir, or legatee; to provide for procedure, terms, and conditions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:325, 653.4, 664(A), 767, and 768 are hereby amended and reenacted to read as follows:

§325. ~~Transfer~~ **Death of a customer and access and transfer** of contents of safety deposit boxes, money, and other property by bank to **succession representatives, legatees, or** heirs ~~or their representatives, executors, or administrators~~; authority

A. ~~A~~ **For all purposes, a** bank may deal with **a** safety deposit ~~boxes or box~~ **or** money, on deposit or otherwise, and **any** other property in ~~it's~~ **a bank's** possession **titled standing** in the name of a deceased **customer** person ~~or in which the latter had an interest~~ in accordance with its contract with its **deceased** customer until the bank receives notice in writing **specifically** addressed to it of the death of ~~the~~ **its** customer. ~~After receipt of such notice in writing and upon proper authority and upon obtaining a receipt therefor, any bank may transfer the contents of a safety deposit box or any money and other property in its possession standing in the name of a deceased person or in which the latter had an interest to the succession representative, the surviving~~

1 spouse, heirs, or legatees of the deceased.

2 B.(1) ~~The letters of the succession representative or the judgment recognizing~~
3 ~~and putting the heirs in possession issued by a court of competent jurisdiction and~~
4 ~~accompanied by letters of tutorship or curatorship of the heirs who are not sui juris~~
5 ~~shall constitute proper authority for making the transfer which, when so made and~~
6 ~~received for, shall be full protection to the bank as to any heir, legatee, creditor, or~~
7 ~~other person having rights or claims to funds or property of the decedent.~~
8 **Regardless of whether a bank receives written notice of the death of its**
9 **customer and regardless of any prior action by a bank to freeze or restrict**
10 **access and transactions related to its deceased customer's accounts or safety**
11 **deposit box, upon receipt of letters testamentary, letters of administration, or**
12 **letters of independent administration, issued by a court of competent**
13 **jurisdiction, appointing an authorized succession representative, a bank may**
14 **grant access to or allow the transfer of contents of a safety deposit box or money**
15 **or other property titled in the name of the bank's deceased customer to the**
16 **succession representative.**

17 **(2) The letters appointing the succession representative shall constitute**
18 **full and proper authority for allowing the succession representative to access,**
19 **withdraw, or transfer money or property of the bank's deceased customer, and**
20 **the bank shall have no liability related to such activity or transaction involving**
21 **the deceased customer's safety deposit box or money or other property in the**
22 **bank's possession.**

23 **(3) The bank may continue to follow the direction of the authorized**
24 **succession representative related to the safety deposit box or money or other**
25 **property of its deceased customer, unless and until the bank receives a**
26 **subsequent court order, issued by a court of competent jurisdiction, specifically**
27 **naming and directing the bank to cease following the written direction of the**
28 **succession representative, or the bank receives a subsequent court order, issued**
29 **by a court of competent jurisdiction, limiting or terminating the authority of or**
30 **replacing the succession representative.**

1 and legal representative

2 A. ~~A~~ **For all purposes**, credit union may conduct business in accordance
 3 with its bylaws, membership agreements, and other relevant contract terms
 4 concerning a deceased ~~person~~ **member or depositor** until it receives written notice
 5 **specifically addressed to it** of the ~~person's~~ death **of the member or depositor** that
 6 identifies therein the accounts, shares, all accrued interest or dividends, safe deposit
 7 boxes and their contents, and any other property, either on deposit or otherwise in the
 8 credit union's possession, that are standing in the ~~deceased's~~ name **of the deceased**
 9 **member or depositor** or in which the deceased **member or depositor** has an
 10 interest.

11 B. ~~(1) Except as provided in R.S. 6:664, a credit union may transfer property~~
 12 ~~standing in a deceased's name or in which a deceased has an interest to succession~~
 13 ~~representatives, surviving spouse, heirs, or legatees of the deceased, as the case may~~
 14 ~~be, upon receiving proof of proper authority and after obtaining a receipt therefor.~~
 15 ~~If a judgment places the property into possession of a person sui juris, a credit union~~
 16 ~~may transfer the property to that person's legal representative upon additionally~~
 17 ~~receiving proof of authority of the legal representative.~~ **In addition to the**
 18 **provisions of R.S. 6:664, upon receipt of letters testamentary, letters of**
 19 **administration, or letters of independent administration, issued by a court of**
 20 **competent jurisdiction, appointing any authorized succession representative, a**
 21 **credit union may grant access to or allow the transfer of contents of a safety**
 22 **deposit box or money or other property titled in the name of its deceased**
 23 **member or depositor to the succession representative.**

24 **(2) The credit union may continue to follow the direction of the**
 25 **authorized succession representative related to the safety deposit box or money**
 26 **or other property of its deceased member or depositor, unless and until the**
 27 **credit union receives a subsequent order issued by a court of competent**
 28 **jurisdiction specifically naming and directing the credit union to cease following**
 29 **the direction of the succession representative, or the credit union receives a**
 30 **subsequent order issued by a court of competent jurisdiction limiting or**

1 terminating the authority of or replacing the succession representative.

2 (3) A judgment of possession issued by a court of competent jurisdiction
 3 recognizing and putting the legatees or heirs in possession of the estate of its
 4 deceased member or depositor shall constitute full and proper authority for the
 5 credit union holding a safety deposit box or money or other property titled in
 6 the name of the deceased member or depositor to transfer those assets to the
 7 legatees or heirs entitled to such property under the judgment of possession.

8 C. ~~Letters issued to succession representative(s) by a court of competent~~
 9 ~~jurisdiction, letters issued to the legal representative of persons sui juris by a court~~
 10 ~~of competent jurisdiction, and a judgment rendered by a court of competent~~
 11 ~~jurisdiction recognizing and putting in possession the surviving spouse, the heirs,~~
 12 ~~and/or the legatees of the deceased constitutes proper authority to transfer property~~
 13 ~~in accordance with this Section. Conclusive proof to a credit union of the letters~~
 14 testamentary, letters of administration, letters of independent administration
 15 of the succession representative or judgment and of the jurisdiction of the court
 16 rendering same of possession issued by a court of competent jurisdiction shall
 17 result from copies thereof, duly certified when rendered by a court of this state, or
 18 certified according to the Acts of Congress when rendered by a court of any
 19 possession or dependency of the United States, or certified according to the law of
 20 the place with the genuineness of the certification attested by a consular agent of the
 21 United States when rendered by a court of any foreign country.

22 D. ~~A receipt obtained by the credit union for the property transferred may~~
 23 ~~be in any form, but must be signed, as the case may be, by the succession~~
 24 ~~representative(s) accompanied by a certified copy of the letters or by the surviving~~
 25 ~~spouse, heirs, and/or legatees accompanied by a certified copy of the judgment~~
 26 ~~recognizing and placing them into possession of the said property and, when a~~
 27 ~~judgment places the property into possession of a person sui juris, the receipt must~~
 28 ~~be signed in his stead by his legal representative and additionally accompanied by~~
 29 ~~a certified copy of the letters of tutorship or curatorship.~~

30 E. Transfers made ~~and received for~~ in accordance herewith with the

1 provisions of this Section shall constitute full protection to a credit union as to any
 2 heir, legatee, surviving spouse, creditor, those who are sui juris or ~~other person~~
 3 ~~having rights or claims to the transferred funds or property;~~ claims related to such
 4 activity or transaction and the credit union shall have no liability to the state of
 5 Louisiana for any taxes due thereon.

6 * * *

7 §664. Money deposited in a multiple party account

8 A. ~~When~~ In addition to the provisions of R.S. 6:534.4, when a deposit in
 9 a share account is made in any credit union under the names of two or more members
 10 payable to any one of such members, that share account or any part of it or any
 11 interest or dividend on it may be paid to any one of such members, whether the other
 12 member or members be living or not, and the receipt or acquittance of the member
 13 paid is a full release and discharge of the credit union as to any heir, legatee, creditor,
 14 or other person having rights or claims to funds of such deceased member for any
 15 payment made; nor shall any credit union paying any such member in accordance
 16 with the provisions of this Section thereby be liable for any estate, inheritance, or
 17 succession taxes that may be due this state. ~~However, a credit union which has~~
 18 ~~received notice addressed to it in writing of the death of any such account owner~~
 19 ~~shall thereafter report payments made out of the account to the secretary of the~~
 20 ~~Department of Revenue within fifteen days after payment is made.~~

21 * * *

22 §767. Death of member or depositor and access and transfer of money and
 23 property by association to succession representatives, legatees, or
 24 heirs; authority

25 A. Upon the death of a member or depositor, the rights of membership or of
 26 a depositor shall continue in the ~~executor, administrator,~~ succession representatives,
 27 legatees, or heirs, ~~or surviving spouse~~ of the deceased depositor, as the case may be.

28 B. ~~The association shall transfer these shares or savings accounts and all~~
 29 ~~dividends or interest which have accrued on them as provided by law.~~ For all
 30 purposes, an association may deal with money, on deposit or otherwise, held by

1 an association in a savings account, demand account, deposit account, share
2 account, and with any other property, titled in the name of its deceased member
3 or depositor in accordance with its contract with its deceased member or
4 depositor until the association receives notice in writing specifically addressed
5 to it of the death of the member or depositor.

6 C. ~~Upon proper authority and surrender of any certificates and evidences of~~
7 ~~ownership of a decedent in shares or savings accounts of an association, by any duly~~
8 ~~qualified administrator or executor of the succession of such decedent, every~~
9 ~~association may pay the withdrawal value of shares, or savings accounts and any~~
10 ~~dividends or interest that may have accrued thereon in its possession belonging to a~~
11 ~~deceased person, to the administrator or executor of the deceased's succession. The~~
12 ~~letters of the succession representative issued by a court shall constitute a proper~~
13 ~~authority for making payment to such administrator or executor, shall constitute full~~
14 ~~protection to the association making any such payment, and the association shall~~
15 ~~have no liability for any inheritance tax due thereon. **Regardless of whether the**~~
16 ~~**association has received written notice of the death of its member or depositor**~~
17 ~~**and regardless of any prior action by an association to freeze or restrict access**~~
18 ~~**and transactions related to its deceased member's or depositor's shares or**~~
19 ~~**accounts, upon receipt of the letters testamentary, letters of administration, or**~~
20 ~~**letters of independent administration, issued by a court of competent**~~
21 ~~**jurisdiction, appointing an authorized succession representative, an association**~~
22 ~~**may grant access to or allow the transfer of money or other property titled in**~~
23 ~~**the name of its deceased member or depositor to the succession representative.**~~
24 ~~**The letters of the succession representative shall constitute full and proper**~~
25 ~~**authority for the association to grant access to or allow the transfer of the**~~
26 ~~**withdrawal value of share accounts, demand accounts, deposit accounts, or**~~
27 ~~**savings accounts and any dividends or interest that may have accrued thereon**~~
28 ~~**or any money or property held in the name of the deceased member or**~~
29 ~~**depositor to such succession representative. The association shall have no**~~
30 ~~**liability related to such activity or transactions involving its deceased member's**~~

1 or depositor's money or property in its possession, and the association shall
2 have no liability for any inheritance tax due thereon. The association may
3 continue to follow the direction of the authorized succession representative
4 related to the money or other property titled in its deceased member's or
5 depositor's name, unless and until the association receives a subsequent court
6 order, issued by a court of competent jurisdiction, specifically naming the
7 association and directing the association to cease following the written direction
8 of the succession representative, or the association receives a subsequent court
9 order limiting or terminating the authority of or replacing the succession
10 representative.

11 D. The judgment of possession recognizing and putting the legatees or
12 heirs in possession of the deceased customer's estate shall constitute full and
13 proper authority for the association holding a safety deposit box or money or
14 other property titled in the name of its deceased member or customer to
15 transfer those assets to the legatees or heirs entitled to such property under the
16 judgment of possession, and when an association makes such a transfer, there
17 shall be full protection to the association against any heir, legatee, creditor, or
18 other person having any right or claim to money or property of its deceased
19 customer. The association shall have no liability related to such transfers or
20 transactions involving its deceased customer's money or other property in the
21 association's possession.

22 E. Conclusive proof to the association of the letters testamentary, letters
23 of administration, or letters of independent administration of the succession
24 representative, or of the judgment of possession, and of the jurisdiction of the
25 court rendering them, shall be as provided in R.S. 6:325(D).

26 F. Any association may pay to the surviving spouse the value of any savings
27 or demand account or shares standing in the name of the decedent in such association
28 without authorization by any court proceeding, order, or judgment, whether the
29 savings account or shares belong to the separate estate of the decedent or to the
30 community property regime which existed between the decedent and the surviving

1 spouse, subject to the provisions of R.S. 9:1513.

2 §768. Transfer of contents of safety deposit boxes by an association to **succession**
 3 **representatives, legatees,** heirs, minors or interdicts, ~~their legal~~
 4 ~~representatives, executors or administrators;~~ authority

5 A. **For all purposes, an** ~~An~~ association may deal with safety deposit boxes
 6 and the contents therein ~~standing~~ **titled** in the name of a deceased **customer** ~~person,~~
 7 ~~or in which the latter had an interest,~~ in accordance with its contract with its
 8 customer, until the association receives notice in writing **specifically** addressed to
 9 it of the death of ~~said~~ **its** customer. ~~After receipt of such notice in writing and upon~~
 10 ~~proper authority and upon obtaining a receipt therefor, any association may transfer~~
 11 ~~the contents of a safety deposit box standing in the name of a deceased person or in~~
 12 ~~which the latter had an interest, to the succession representative, the surviving~~
 13 ~~spouse, heirs, or legatees of the deceased.~~

14 B. **Regardless of whether an association has received written notice of the**
 15 **death of its customer and regardless of any prior action by an association to**
 16 **freeze or restrict access and transactions related to its deceased customer's**
 17 **safety deposit box, upon receipt of letters testamentary, letters of**
 18 **administration, or letters of independent administration, issued by a court of**
 19 **competent jurisdiction, appointing an authorized succession representative, an**
 20 **association may grant access to or allow the transfer of the contents of a safety**
 21 **deposit box titled in the name of its deceased customer to the succession**
 22 **representative.** The letters of the succession representative **shall constitute full**
 23 **and proper authority for allowing the succession representative to access,**
 24 **remove, or transfer the contents of a safety deposit box titled in the name of the**
 25 **deceased customer, and the association shall have no liability related to such**
 26 **activity or transaction involving its deceased customer's safety deposit box. The**
 27 **association may continue to follow the direction of the authorized succession**
 28 **representative related to safety deposit boxes of its deceased customer, unless**
 29 **and until the association receives a subsequent court order, issued by a court of**
 30 **competent jurisdiction, specifically naming and directing the association to**

1 ~~cease following the written direction of the succession representative or receives~~
 2 ~~a subsequent court order limiting or terminating the authority of or replacing~~
 3 ~~the succession representative~~ or the judgment recognizing and putting the heirs in
 4 possession issued by a court of competent jurisdiction, and accompanied by letters
 5 of tutorship or curatorship of the heirs who are not sui juris, shall constitute proper
 6 authority for making the transfer, which, when so made and receipted for, shall be
 7 full protection to the association as to any heir, legatee, creditor, or other person
 8 having rights or claims to funds or property of the decedent, and the association shall
 9 have no liability for any inheritance tax due thereon.

10 C. The receipt of a judgment of possession, issued by a court of
 11 competent jurisdiction, recognizing and putting the legatees or heirs in
 12 possession of the deceased customer's estate shall constitute full and proper
 13 authority for the association holding a safety deposit box or other property
 14 titled in the name of the deceased customer's name to transfer those assets to the
 15 legatees or heirs entitled to such property under the judgment of possession.
 16 When an association makes such a transfer, there shall be full protection to the
 17 association against any heir, legatee, creditor, or other person having any right
 18 or claim to funds or property of its deceased customer, and the association shall
 19 have no liability related to such transfer or transaction involving its deceased
 20 customer's safety deposit box or money or other property in the association's
 21 possession, and the association shall have no liability for any inheritance tax due
 22 thereon.

23 D. Upon proper authority and ~~upon obtaining a receipt therefor,~~ an
 24 association may transfer the contents of a safety deposit box belonging to an interdict
 25 or a minor to the legal representative of such interdict or minor. The letters issued
 26 to the legal representative by a court of competent jurisdiction shall constitute proper
 27 authority for making the transfer, which when so made and receipted for, shall be full
 28 protection to the association.

29 ~~D. The receipt to be obtained by the association may be in any form, but it~~
 30 ~~shall be signed either by the succession representative accompanied by a certified~~

1 ~~copy of the letters or by the heirs or the legal representatives of the heirs who are not~~
2 ~~sui juris, accompanied by a certified copy of the judgment recognizing and putting~~
3 ~~the heirs in possession and by a certified copy of the letters of tutorship or~~
4 ~~curatorship of the legal representatives of the heirs who are not sui juris. In the case~~
5 ~~of minors or interdicts, the receipt shall be signed by the legal representative of the~~
6 ~~minor or interdict and accompanied by a certified copy of the letters issued to such~~
7 ~~legal representative.~~

8 **E. Conclusive proof to the association of the letters testamentary, letters**
9 **of administration, or letters of independent administration of the succession**
10 **representative, or of the judgment of possession, and of the jurisdiction of the**
11 **court rendering them, shall be as provided in R.S. 6:325(D).**

12 Section 2. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____