
DIGEST

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HB 234 Original

2018 Regular Session

Edmonds

Abstract: Increases the amount of funds a depository may release to a surviving spouse.

Without a court proceeding, order, or judgment authorizing the release of funds or providing a determination of inheritance taxes due, present law authorizes a "bank or other depository" (hereinafter, "payor") to pay the surviving spouse of a depositor a sum not in excess of \$10,000.

Proposed law increases the amount payable from \$10,000 to \$20,000 and deletes present law with respect to a judicial determination concerning an inheritance tax. Otherwise retains present law.

Present law prohibits certain persons' right of action against a payor releasing funds to a surviving spouse. Provides the prohibited right of action against certain persons does not apply to cases of distributions made by a partnership as described in present law (R.S. 47:2410).

Proposed law deletes the statutory reference (R.S. 47:2410) which creates inapplicability of present law to distributions made by partnerships. Otherwise retains present law.

Present law authorizes a payor to release funds to a surviving spouse when funds are deposited in an account listed solely in the surviving spouse's name. Authorizes the release of funds without liability to the payor for any estate, inheritance, or succession taxes owed to the state. Requires the payor to notify the collector of revenue within 7 days of the release of such funds.

Proposed law deletes the payor's requirement to notify the collector of revenue. Otherwise retains present law.

Present law makes reference to a "bank or other depository" when describing the type of entity from which a surviving spouse may withdraw deposited funds. Proposed law changes every present law reference from "bank or other depository" to "federally insured depository institution".

(Amends R.S. 9:1513)