

SENATE BILL NO. 137

BY SENATOR MILLER

1 AN ACT

2 To amend and reenact R.S. 6:325(B), (C), and (D), 653.4(B) and (C), 767(C) and (D), and  
3 768(B) and (C), relative to banking; to provide for the transfer of money, property,  
4 or other content upon the death of a customer, member, or depositor; to provide for  
5 terms, conditions, and procedures; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 6:325(B), (C), and (D), 653.4(B) and (C), 767(C) and (D), and 768(B)  
8 and (C) are hereby amended and reenacted to read as follows:

9 §325. Death of a customer and access and transfer of contents of safety deposit  
10 boxes, money, and other property by bank to succession or estate  
11 representatives, legatees, or heirs; authority

12 \* \* \*

13 B.(1) Regardless of whether a bank receives written notice of the death of its  
14 customer and regardless of any prior action by a bank to freeze or restrict access and  
15 transactions related to its deceased customer's accounts or safety deposit box, upon  
16 receipt of letters testamentary, letters of administration, or letters of independent  
17 administration, issued by a court of competent jurisdiction **in this state or any other**  
18 **state**, appointing an authorized succession or estate representative, a bank may grant  
19 access to or allow the transfer of contents of a safety deposit box or money or other  
20 property titled in the name of the bank's deceased customer to the succession or  
21 **estate** representative.

22 (2) **Notwithstanding the provisions of Code of Civil Procedure Article**  
23 **3402 or other applicable laws, a bank may grant access to or allow the transfer**  
24 **of contents of a safety deposit box or money or other property titled in the name**  
25 **of the bank's deceased customer to the succession or estate representative**  
26 **appointed by a court outside of Louisiana.**

1           (3) The letters appointing the succession or estate representative shall  
2           constitute full and proper authority for allowing the succession or estate  
3           representative to access, withdraw, or transfer money or property of the bank's  
4           deceased customer, and the bank shall have no liability related to such activity or  
5           transaction involving the deceased customer's safety deposit box or money or other  
6           property in the bank's possession.

7           ~~(3)~~(4) The bank may continue to follow the direction of the authorized  
8           succession or estate representative related to the safety deposit box or money or  
9           other property of its deceased customer, unless and until the bank receives a  
10          subsequent court order, issued by a court of competent jurisdiction, specifically  
11          naming and directing the bank to cease following the written direction of the  
12          succession or estate representative, or the bank receives a subsequent court order,  
13          issued by a court of competent jurisdiction, limiting or terminating the authority of  
14          or replacing the succession or estate representative.

15          C. The judgment of possession or court order issued by a court of  
16          competent jurisdiction in this state or any other state recognizing and putting the  
17          legatees or heirs in possession of the bank's deceased customer's estate shall  
18          constitute full and proper authority for the bank holding a safety deposit box or  
19          money or other property titled in the name of its deceased customer to transfer those  
20          assets to the legatees or heirs entitled to such property under the judgment of  
21          possession or court order. When a bank makes such a transfer, the bank shall have  
22          full protection from any heir, legatee, creditor, or other person having any right or  
23          claim to money or other property of its deceased customer. The bank shall have no  
24          liability related to any such transfer or transaction involving its deceased customer's  
25          safety deposit box or money or other property in the bank's possession.

26          D. Conclusive proof to the bank of the letters testamentary, letters of  
27          administration, letters of independent administration of the succession or estate  
28          representative, or judgment of possession or court order and of the jurisdiction of  
29          the court rendering them shall result from copies thereof, duly certified when  
30          rendered by a court of this state, ~~or certified according to the Acts of Congress when~~

1 rendered by a court or of any other state, or certified according to the law of the  
 2 place when rendered by a court of any possession or dependency of the United  
 3 States, or certified according to the law of the place with the genuineness of the  
 4 certification attested by a consular agent of the United States when rendered by a  
 5 court of any foreign country.

6 \* \* \*

7 §653.4. Death of member or account owner; access, and transfer of accounts, shares,  
 8 and property to succession or estate representative, heirs, legatees,  
 9 and legal representative

10 \* \* \*

11 B.(1) In addition to the provisions of R.S. 6:664, upon receipt of letters  
 12 testamentary, letters of administration, or letters of independent administration,  
 13 issued by a court of competent jurisdiction in this state or any other state,  
 14 appointing any authorized succession or estate representative, a credit union may  
 15 grant access to or allow the transfer of contents of a safety deposit box or money or  
 16 other property titled in the name of its deceased member or depositor to the  
 17 succession or estate representative.

18 (2) Notwithstanding the provisions of Code of Civil Procedure Article  
 19 3402 or any other applicable law, a credit union may grant access to or allow  
 20 the transfer of contents of a safety deposit box or money or other property titled  
 21 in the name of the credit union's deceased member or depositor to the  
 22 succession or estate representative appointed by a court outside of Louisiana.

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



1 depositor to the succession or estate representative. Notwithstanding the  
 2 provisions of Code of Civil Procedure Article 3402 or other applicable laws, an  
 3 association may grant access to or allow the transfer of money or other property  
 4 titled in the name of the deceased member or depositor to the succession or  
 5 estate representative appointed by a court outside of Louisiana. The letters of the  
 6 succession or estate representative shall constitute full and proper authority for the  
 7 association to grant access to or allow the transfer of the withdrawal value of share  
 8 accounts, demand accounts, deposit accounts, or savings accounts and any dividends  
 9 or interest that may have accrued thereon or any money or property held in the name  
 10 of the deceased member or depositor to such succession or estate representative. The  
 11 association shall have no liability related to such activity or transactions involving  
 12 its deceased member's or depositor's money or property in its possession, and the  
 13 association shall have no liability for any inheritance tax due thereon. The  
 14 association may continue to follow the direction of the authorized succession or  
 15 estate representative related to the money or other property titled in its deceased  
 16 member's or depositor's name, unless and until the association receives a subsequent  
 17 court order, issued by a court of competent jurisdiction, specifically naming the  
 18 association and directing the association to cease following the written direction of  
 19 the succession or estate representative, or the association receives a subsequent court  
 20 order limiting or terminating the authority of or replacing the succession or estate  
 21 representative.

22 D. The judgment of possession or court order issued by a court of  
 23 competent jurisdiction in this state or any other state recognizing and putting the  
 24 legatees or heirs in possession of the deceased customer's estate shall constitute full  
 25 and proper authority for the association holding a safety deposit box or money or  
 26 other property titled in the name of its deceased member or customer to transfer  
 27 those assets to the legatees or heirs entitled to such property under the judgment of  
 28 possession or court order, and when an association makes such a transfer, there  
 29 shall be full protection to the association against any heir, legatee, creditor, or other  
 30 person having any right or claim to money or property of its deceased customer. The

1 association shall have no liability related to such transfers or transactions involving  
 2 its deceased customer's money or other property in the association's possession.

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4 §768. Transfer of contents of safety deposit boxes by an association to succession or  
 5 estate representatives, legatees, heirs, minors, or interdicts; authority

6 \* \* \*

7 B. Regardless of whether an association has received written notice of the  
 8 death of its customer and regardless of any prior action by an association to freeze  
 9 or restrict access and transactions related to its deceased customer's safety deposit  
 10 box, upon receipt of letters testamentary, letters of administration, or letters of  
 11 independent administration, issued by a court of competent jurisdiction **in this state**  
 12 **or any other state**, appointing an authorized succession or estate representative, an  
 13 association may grant access to or allow the transfer of the contents of a safety  
 14 deposit box titled in the name of its deceased customer to the succession or estate  
 15 representative. **Notwithstanding the provisions of Code of Civil Procedure**  
 16 **Article 3402 or other applicable laws, an association may grant access to or**  
 17 **allow the transfer of contents of a safety deposit box titled in the name of the**  
 18 **deceased customer to the succession or estate representative appointed by a**  
 19 **court outside of Louisiana.** The letters of the succession or estate representative  
 20 shall constitute full and proper authority for allowing the succession or estate  
 21 representative to access, remove, or transfer the contents of a safety deposit box  
 22 titled in the name of the deceased customer, and the association shall have no  
 23 liability related to such activity or transaction involving its deceased customer's  
 24 safety deposit box. The association may continue to follow the direction of the  
 25 authorized succession or estate representative related to safety deposit boxes of its  
 26 deceased customer, unless and until the association receives a subsequent court  
 27 order, issued by a court of competent jurisdiction, specifically naming and directing  
 28 the association to cease following the written direction of the succession or estate  
 29 representative or receives a subsequent court order limiting or terminating the  
 30 authority of or replacing the succession or estate representative.

