

ASSEMBLY, No. 1311

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 4 (Camden and Gloucester)

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SYNOPSIS

Revises procedures concerning access to decedent's safe-deposit box.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning safe-deposit boxes, amending and
2 supplementing various parts of the statutory law.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 4 of P.L.1955, c.151 (C.46:39-4) is amended to read
8 as follows:

9 4. The death or incompetency of a person to whom a safe-
10 deposit box or other receptacle for the safekeeping of personal
11 property has been rented, and who has in writing appointed an agent
12 with power of access thereto, shall not terminate the authority of
13 such agent; but such authority shall continue until actual notice of
14 such death or incompetency is received by the lessor of such box or
15 other receptacle at the office in which such box or receptacle is
16 located. As used in this section, "person" includes a minor, and
17 also includes

18 (a) a person acting in his individual capacity as sole renter of a
19 safe-deposit box or other receptacle for the safekeeping of personal
20 property;

21 (b) one, or more, or all of 2 or more persons acting in their
22 individual capacities as co-renters of a safe-deposit box or other
23 receptacle for the safekeeping of personal property;

24 (c) a person acting as sole executor, administrator, guardian,
25 trustee or receiver in renting a safe-deposit box or other receptacle
26 for the safekeeping of personal property; and

27 (d) one, or more, or all of 2 or more persons acting as co-
28 executors, co-administrators, co-guardians, co-trustees or co-
29 receivers in renting a safe-deposit box or other receptacle for the
30 safekeeping of personal property.

31 Nothing contained herein shall prevent access to the safe-deposit
32 box or other receptacle by a person who complies with the
33 provisions of section 3 of P.L. , c. (C.)(pending before the
34 Legislature as this bill).

35 (cf: P.L.1955, c.151, s.4)

36

37 2. R.S.17:14A-52 is amended to read as follows:

38 17:14A-52. Accessibility to vault, safe deposit box or receptacle.

39 The right of access to a vault, safe deposit box or receptacle rented
40 to a lessee by a safe deposit company shall be governed by the rental
41 agreement, the provisions of P.L. , c. (C.)(pending before the
42 Legislature as this bill), P.L.1955, c.151 (C. 46:39-1 et seq.),
43 R.S.54:35-19 and R.S.54:35-20.

44 (cf: R.S.17:14A-52)

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 3. (New section) a. Upon being furnished with satisfactory
2 proof of death of a sole lessee or the last surviving co-lessee of a
3 safe-deposit box, the lessor shall open the box and examine the
4 contents in the presence of a person who presents himself and
5 furnishes a copy of the death certificate and an affidavit which
6 states that:

7 (1) he is interested in the filing of the lessee's original will or in
8 the arrangements for his burial;

9 (2) he believes the safe-deposit box may contain the original
10 will or burial documents of the lessee; and

11 (3) he is an interested person as defined in this section.

12 b. The lessor shall not open the safe-deposit box in accordance
13 with P.L. , c. (C.) (pending before the Legislature as this
14 bill) if the lessor has received a copy of letters of administration or
15 letters testamentary of the deceased lessee's estate or other
16 applicable court order.

17 c. The lessor shall not open the safe-deposit box if:

18 (1) the safe-deposit box has previously been opened in
19 accordance with this section;

20 (2) the lessor has received notice of a written or oral objection
21 from any person or has reason to believe that there would be an
22 objection; or

23 (3) the lessee's key or combination is not available.

24 d. The lessor has no duty to inquire into the truth of any
25 statement in the affidavit required to be furnished pursuant to this
26 section. The lessor's determination of the fact situations to be met
27 under this section shall be conclusive and final, and the lessor shall
28 be fully protected in relying conclusively on it.

29 e. The lessor shall remove any document which appears to be a
30 will or codicil and deliver it to the Surrogate of the county in which
31 the lessee resided immediately prior to his death, if known to the
32 lessor, otherwise to the Surrogate of the county in which the safe-
33 deposit box is located. The lessor shall deliver to the County
34 Surrogate the original will or codicil by certified or registered mail,
35 return receipt requested. The lessor shall provide the interested
36 person with a photocopy of the original will, trust instrument or
37 burial documents. No other contents may be removed pursuant to
38 this section.

39 For purposes of this section, the term "interested person" means
40 any person who immediately prior to the death of the lessee had the
41 right of access to the box as a deputy, any person named as executor
42 in a copy furnished by him of a purported will of the lessee, or the
43 spouse, an adult descendant, parent, brother or sister of the lessee. If
44 the affidavit states that none of the persons described above is
45 available to be present at the opening of the safe-deposit box, the
46 term "interested person" shall also mean any other person who the

1 lessor in its sole discretion determines may have a legitimate
2 interest in the filing of the lessee's will or in the arrangements for
3 his burial.

4
5 4. (New section) No safe deposit company, trust company, bank
6 or other financial institution shall deliver or transfer any documents or
7 contents in a safe-deposit box within its control or possession which
8 belongs to a decedent unless the person seeking access complies with
9 the provisions of section 3 of P.L. , c. (C.) (pending before the
10 Legislature as this bill).

11
12 5. This act shall take effect 180 days after the date of
13 enactment and shall apply to any safe-deposit box or other
14 receptacle rented by any decedent dying on or after the effective
15 date. The Commissioner of Banking and Insurance may take such
16 anticipatory administrative action in advance thereof as shall be
17 necessary for the implementation of this act.

18 19 20 STATEMENT

21
22 This bill would establish procedures for accessing a decedent's
23 safe-deposit box to search for the original will and burial
24 documents. Under the provisions of the bill, an "interested person"
25 would be authorized to open a safe-deposit box in the presence of
26 the box's lessor provided that person furnishes a copy of the
27 decedent's death certificate and an affidavit whereby he states that
28 he is an interested party and would like access to the box to obtain
29 the lessee's original will or to obtain burial documents which he
30 believes may be contained in the safe-deposit box. An "interested
31 person" is defined in the bill as any person who immediately prior
32 to the death of the safe-deposit box's lessee had the right of access
33 to the box as a deputy, any person named as executor in a copy
34 furnished by him of a purported will of the lessee, or the spouse, an
35 adult descendant, parent, brother or sister of the lessee. If the
36 affidavit states that none of the persons described above is available
37 to be present at the opening of the safe-deposit box, the term
38 "interested person" shall also mean any other person who the lessor
39 in its sole discretion determines may have a legitimate interest in
40 the filing of the lessee's will or in the arrangements for his burial.

41 Under the provisions of the bill, the lessor would be required to
42 remove the original will from the box and deliver it (by certified or
43 registered mail, return receipt requested) to the Surrogate of the
44 county in which the lessee resided immediately prior to his death, or
45 to the Surrogate of the county in which the safe-deposit box is
46 located. The interested person would receive a photocopy of the
47 original will, trust instrument or burial documents.

1 This bill would take effect 180 days after the date of enactment
2 and would apply to any safe-deposit box or other receptacle rented
3 by any decedent dying on or after the effective date. However, the
4 bill would allow the Commissioner of Banking and Insurance to
5 take any necessary anticipatory administrative action necessary for
6 the implementation of the bill.

7 This bill also amends section 4 of P.L.1955, c.151 (C.46:39-4)
8 (safe-deposit receptacle rentals) and R.S.17:14A-52 (safe-deposit
9 companies) to provide the appropriate cross-references to the new
10 procedures established by the bill.