

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2787

By: Ortega and Sherrer of the  
House

and

Fields of the Senate

7 An Act relating to banks and trust companies;  
8 amending 6 O.S. 2011, Section 906, which relates to  
9 affidavits of heirship; providing for affidavit of  
10 heirship for safe deposit boxes; limiting affidavit  
11 to certain safe deposit boxes; permitting institution  
12 to inventory and release contents of certain safe  
13 deposit boxes; describing affidavit contents; and  
14 providing an effective date.

13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
14 entire bill and insert

15 "[ banks and trust companies - heirship - safe  
16 deposit boxes - effective date ]

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 6 O.S. 2011, Section 906, is  
20 amended to read as follows:

21 Section 906. A. 1. When a deposit has been made in a bank or  
22 credit union in the name of a sole individual without designation of  
23 a payable-on-death beneficiary, upon the death of the sole owner of  
24 the account if the amount of the aggregate deposits held in single

1 ownership accounts in the name of the deceased individual is Twenty  
2 Thousand Dollars (\$20,000.00) or less, the bank or credit union may  
3 transfer the funds to the known heirs of the deceased upon receipt  
4 of an affidavit sworn to by the known heirs of the deceased which  
5 establishes jurisdiction and relationship and states that the owner  
6 of the account left no will. The affidavit shall be sworn to and  
7 signed by the known heirs of the deceased and the same shall swear  
8 that the facts set forth in the affidavit establishing jurisdiction,  
9 heirship and intestacy are true and correct.

10 2. Upon the death of an individual who is the sole renter of a  
11 safe deposit box in a bank or credit union, the bank or credit union  
12 may open the box in the presence of all known heirs and transfer or  
13 release the contents to such heirs upon receipt of an affidavit  
14 which establishes jurisdiction and relationship to the deceased and  
15 states that the renter of the safe deposit box left no will or that  
16 the contents of the safe deposit box are the only known assets of  
17 the deceased renter. The affidavit shall be sworn to and signed by  
18 the known heirs of the deceased and the same shall swear that the  
19 facts set forth in the affidavit establishing jurisdiction, heirship  
20 and intestacy or that the contents of the safe deposit box are the  
21 only asset of the deceased are true and correct. Every known heir  
22 shall either be present in person or by a duly authorized agent. If  
23 any known heir is unable to be physically present for the opening of  
24 the box and transfer of the contents, such heir may appoint an agent

1 by executing authorization in writing in the following form: "I  
2 hereby authorize (name of person) to act as my agent at the opening  
3 and transfer of contents of safe deposit box (number or other  
4 identification) at (name of financial institution)." The  
5 authorization form shall be signed and dated by the heir and  
6 notarized. The bank or credit union may impose its standard fee for  
7 drilling the box if the heirs cannot provide the key for opening.

8 B. Receipt by the bank or credit union of the affidavit  
9 described in subsection A of this section shall be a valid and  
10 sufficient release and discharge to the bank or credit union for any  
11 transfer of deposits or contents made pursuant thereto and shall  
12 serve to discharge the bank or credit union from liability as to any  
13 other party, including any heir, legatee, devisee, creditor or other  
14 person having rights or claims to funds or property of the decedent,  
15 and include a discharge of the bank or credit union from liability  
16 for any estate, inheritance or other taxes which may be due the  
17 state from the estate or as a result of the transfer.

18 C. Any person who knowingly submits and signs a false affidavit  
19 as provided in this section shall be fined not more than Three  
20 Thousand Dollars (\$3,000.00) or imprisoned for not more than six (6)  
21 months, or both. Restitution of the amount fraudulently attained  
22 shall be made to the rightful beneficiary by the guilty person.

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10 affidavits of heirship; providing for affidavit of  
11 heirship for safe deposit boxes; limiting affidavit  
12 to certain safe deposit boxes; permitting institution  
13 to inventory and release contents of certain safe  
14 deposit boxes; describing affidavit contents; and  
15 providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 3. AMENDATORY 6 O.S. 2011, Section 906, is  
18 amended to read as follows:

19 Section 906. A. 1. When a deposit has been made in a bank or  
20 credit union in the name of a sole individual without designation of  
21 a payable-on-death beneficiary, upon the death of the sole owner of  
22 the account if the amount of the aggregate deposits held in single  
23 ownership accounts in the name of the deceased individual is Twenty  
24 Thousand Dollars (\$20,000.00) or less, the bank or credit union may  
transfer the funds to the known heirs of the deceased upon receipt  
of an affidavit sworn to by the known heirs of the deceased which

1 establishes jurisdiction and relationship and states that the owner  
2 of the account left no will. The affidavit shall be sworn to and  
3 signed by the known heirs of the deceased and the same shall swear  
4 that the facts set forth in the affidavit establishing jurisdiction,  
5 heirship and intestacy are true and correct;

6 2. When a safe deposit box has been rented in a bank or credit  
7 union in the name of a sole individual without designation of a  
8 payable-on-death beneficiary or successor in interest, upon the  
9 death of the sole owner of the safe deposit box if the amount of the  
10 aggregate contents held in single ownership safe deposit boxes in  
11 the name of the deceased individual is Twenty Thousand Dollars  
12 (\$20,000.00) or less, the bank or credit union may inventory and  
13 transfer or release the contents to the known heirs of the deceased  
14 upon receipt of an affidavit sworn to by the known heirs of the  
15 deceased which establishes jurisdiction and relationship and states  
16 that the owner of the safe deposit box left no will or that the  
17 contents of the safe deposit box are the only known assets of the  
18 deceased. The affidavit shall be sworn to and signed by the known  
19 heirs of the deceased and the same shall swear that the facts set  
20 forth in the affidavit establishing jurisdiction, heirship and  
21 intestacy or that the contents of the safe deposit box are the only  
22 asset of the deceased are true and correct.

23 B. Receipt by the bank or credit union of the affidavit  
24 described in subsection A of this section shall be a valid and

1 sufficient release and discharge to the bank or credit union for any  
2 transfer of deposits or contents made pursuant thereto and shall  
3 serve to discharge the bank or credit union from liability as to any  
4 other party, including any heir, legatee, devisee, creditor or other  
5 person having rights or claims to funds or property of the decedent,  
6 and include a discharge of the bank or credit union from liability  
7 for any estate, inheritance or other taxes which may be due the  
8 state from the estate or as a result of the transfer.

9 C. Any person who knowingly submits and signs a false affidavit  
10 as provided in this section shall be fined not more than Three  
11 Thousand Dollars (\$3,000.00) or imprisoned for not more than six (6)  
12 months, or both. Restitution of the amount fraudulently attained  
13 shall be made to the rightful beneficiary by the guilty person.

14 SECTION 4. This act shall become effective November 1, 2012.  
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1 Passed the House of Representatives the 23rd day of February,  
2 2012.

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5 Presiding Officer of the House of  
6 Representatives

7 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2012.

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10 Presiding Officer of the Senate

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