

05/17/2012 12:26:40 PM

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB2787**

By: Ortega of the House and Fields of the Senate

Title: Banks and trust companies; providing for affidavit of heirship for safe deposit boxes;  
effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

That the Senate recede from Senate Amendment No. 1 and that the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

**HOUSE CONFEREES**

Dank

David M. Dank

Key

\_\_\_\_\_

Kirby

Dan Kirby

McDaniel (Randy)

Randy McDaniel

McNiel

Skye McDaniel

Morrisette

\_\_\_\_\_

Mulready

Gl Mulready

Ortega

Chris Ortega

Ownbey

Pat Ownbey

Pittman

Dan Pittman

Shelton

Mike Shelton

HB2787 CCR A

**SENATE CONFEREES**

Fields

*E. Fields*

Sykes

*Arthur Sykes*

Crain

\_\_\_\_\_

Burrage

*Burrage*

Ivester

*Ivester*

Anderson

*Anderson*

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 2787

By: Ortega and Sherrer of the  
House

and

Fields of the Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to banks and trust companies;  
12 amending 6 O.S. 2011, Section 906, which relates to  
13 affidavits of heirship; providing for affidavit of  
14 heirship for safe deposit boxes; describing affidavit  
15 contents; limiting affidavit to certain safe deposit  
16 boxes; requiring heirs to be present at box opening;  
17 providing for agent to be present if authorization  
18 form is executed; permitting bank or credit union  
19 charge certain fee; and providing an effective date.

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21  
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

Section 906. A. 1. When a deposit has been made in a bank or  
credit union in the name of a sole individual without designation of  
a payable-on-death beneficiary, upon the death of the sole owner of  
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~~ in good-faith  
12 reliance on the affidavit and shall serve to discharge the bank or  
13 credit union from liability as to any other party, including any  
14 heir, legatee, devisee, creditor or other person having rights or  
15 claims to funds or property of the decedent, and include a discharge  
16 of the bank or credit union from liability for any estate,  
17 inheritance or other taxes which may be due the state from the  
18 estate or as a result of the transfer.

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

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1 SECTION 2. This act shall become effective November 1, 2012.

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