

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2049

Introduced by

Legislative Council

(Judiciary Committee)

1 A BILL for an Act to create and enact a new section to chapter 30.1-23 of the North Dakota
2 Century Code, relating to the entry of a safe deposit box.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 30.1-23 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Will searches, burial documents procurement, and inventory of contents.**

7 1. Upon being furnished with satisfactory proof of death of a sole lessee or the last
8 surviving co-lessee of a safe deposit box, the safe deposit company may open the
9 box for an individual who appears in person and furnishes an affidavit stating the
10 following:

11 a. The box may contain the will or deed to a burial lot or a document containing
12 instructions for the burial of the lessee or that the box may contain property
13 belonging to the estate of the lessee;

14 b. The individual is an interested person and wishes to open the box:

15 (1) To conduct a will search;

16 (2) To obtain a document required to facilitate the lessee's wishes
17 regarding body, funeral, or burial arrangements; or

18 (3) To make an inventory of the contents of the box; and

19 c. There has been no application for or appointment of a personal
20 representative or administrator for the decedent's estate.

21 2. The safe deposit company may not open the box under this section if it has
22 received a copy of letters from the representative of the deceased lessee's estate
23 or other applicable court order.

- 1 3. The safe deposit company need not open the box if the lessee's key or
2 combination is not available.
- 3 4. For purposes of this section, the term "interested person" means:
4 a. A person named as personal representative in a purported will of the lessee;
5 b. A person who immediately prior to the death of the lessee had the right of
6 access to the box;
7 c. The surviving spouse of the lessee;
8 d. A devisee of the lessee;
9 e. An heir of the lessee; or
10 f. A person designated by the lessee in a writing acceptable to the safe deposit
11 company which is filed with the safe deposit company before death.
- 12 5. The safe deposit company need not ascertain the truth of any statement in the
13 affidavit required to be furnished under this section, and when acting in reliance
14 upon an affidavit, it is discharged as if it dealt with the personal representative of
15 the lessee. The safe deposit company is not responsible for the adequacy of the
16 description of any property included in an inventory of the contents of a safe
17 deposit box, nor for conversion of the property in connection with actions
18 performed under this section, except for conversion by intentional acts of the
19 company or its employees, directors, officers, or agents. If the safe deposit
20 company is not satisfied that the requirements of this section have been met, it
21 may decline to open the box.
- 22 6. No contents of a box other than a will and a document required to facilitate the
23 lessee's wishes regarding body, funeral, or burial arrangements may be removed
24 pursuant to this section.