

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 312

An Act to amend and reenact § 6.1-332.1 of the Code of Virginia, relating to limited access to safe-deposit box.

[H 72]

Approved April 1, 2002

Be it enacted by the General Assembly of Virginia:

1. That § 6.1-332.1 of the Code of Virginia is amended and reenacted as follows:

§ 6.1-332.1. Limited access to safe-deposit box.

A. Upon the death of a sole lessee of a safe-deposit box, the company or bank may permit a limited access to ~~such the~~ box by the spouse or next of kin of ~~such the~~ deceased lessee or by a court clerk or other *interested* person ~~having an interest in locating any will of the decedent~~ for the limited purpose of looking for a will or other testamentary instruments. ~~Such~~ Access shall be under the supervision of a designated officer or employee, and nothing shall be removed from ~~such the~~ box except the will or testamentary instrument for transmission to the appropriate clerk. If ~~such the~~ box ~~be with co-lessees is co-leased~~, the company or bank may permit entry into the box by the spouse or next of kin or court clerk or other *interested* person ~~having an interest in locating any will of the decedent~~ for the purpose of looking for testamentary instruments and subject to the limitations above, upon proof satisfactory to it that the then co-lessees are not reasonably available for access to ~~such the~~ box.

B. *Upon the incapacity of a sole lessee of a safe-deposit box, the company or bank may permit limited access to such box by the spouse or next of kin of the incapacitated lessee or by a court clerk or other interested person for the limited purpose of looking for a power of attorney. Access shall be under the supervision of a designated officer or employee, and nothing shall be removed from the box except the power of attorney. If the box is co-leased, the company or bank may permit entry into the box by the spouse or next of kin or court clerk or other interested person for the limited purpose of looking for a power of attorney and subject to the limitations above, upon proof satisfactory to it that the then co-lessees are not reasonably available for access to the box.*

C. The company or bank may require ~~such~~ proof of death or incapacity in the form of a letter from a licensed physician, as it deems necessary, and shall not be liable except for acting in bad faith or the permitting of the removal of other items from ~~such the~~ safe-deposit box.