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## HOUSE BILL NO. 72

House Amendments in [ ] — January 18, 2002

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

Patron Prior to Engrossment—Delegate Howell

Referred to Committee on Commerce and Labor

## 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 [ ~~incapacitation~~ 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 [ ~~incapacitation~~ 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.

ENGROSSED

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