

2020 Regular Session

HOUSE BILL NO. 427

BY REPRESENTATIVE LYONS

BANKS/BANKING: Provides relative to safety deposit boxes that are deemed abandoned

1 AN ACT

2 To amend and reenact R.S. 6:327, relative to the abandonment of a safety deposit box; to
3 provide for designated third parties; to provide for notice; to provide for appraisals;
4 to provide for non-cash items; to provide for publication; to make technical changes;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 6:327 is hereby amended and reenacted to read as follows:

8 §327. Abandonment of safety deposit box

9 A. When a safety deposit box is leased from any bank, the bank shall provide
10 the lessee with the option of providing a name and mailing address for up to two
11 third-party designees, to be contacted if the safety deposit box is deemed abandoned.

12 ~~A. B.~~ A safety deposit box leased from any bank shall be deemed abandoned
13 and the bank may remove the contents of such safety deposit box, if the rental
14 ~~therefor~~ remains unpaid, all as provided under Subsection ~~B~~ C of this Section, or
15 pursuant to the terms of the safety deposit box contract, or as otherwise permitted by
16 law. Only the safety deposit box itself, and not the contents, may be deemed
17 abandoned as provided ~~herein~~ in this Section.

18 ~~B. C.(1)~~ If the safety deposit box rental is delinquent for six months, the
19 bank after sixty days' notice by mail addressed to the lessee at his address as shown
20 on the safety deposit box contract may, if the rent is not paid within the time

1 specified in ~~said~~ the notice, open the box in the presence of two employees of the
2 bank and a notary public who shall make an inventory of the contents of the box and
3 place ~~such~~ the contents in a sealed envelope or other container in the name of the
4 lessee. The bank shall then send notice ~~to the administrator of the Uniform~~
5 ~~Unclaimed Property Act of 1997 for publication as provided by R.S. 9:161 that the~~
6 ~~safety deposit box has been abandoned and that the bank is holding the listed~~
7 ~~contents thereof.~~ that the safety deposit box has been abandoned and that the bank
8 is holding the listed contents thereof, to each of the following:

9 (a) Any third-party designee, provided by the lessee, pursuant to Subsection
10 A of this Section.

11 (b) The administrator of the Uniform Unclaimed Property Act of 1997 for
12 publication as provided by R.S. 9:161.

13 (2) ~~Such~~ The notice shall include the lessee's name and last known address.

14 (3) The notice does not confer any right to the contents of the box upon the
15 recipient.

16 ~~€: D.(1)~~ After a bank has entered an abandoned safety deposit box and
17 removed the contents thereof, it shall then hold such contents in the name of the
18 lessee subject to a lien and privilege for the unpaid rent, the costs of opening the box
19 and making the inventory of and storing its contents, and any other costs, expenses
20 or other amounts as provided in the lease or by law. If such amounts are not paid in
21 full within one year from the date the safety deposit box became abandoned, the
22 bank may sell all or any part of the contents by public, private, or judicial sale in
23 accordance with Louisiana law and the terms of the safety deposit box contract.

24 (2) Prior to selling all or any part of the contents, a bank shall obtain an
25 appraisal of non-cash items to be sold. A bank shall not sell any non-cash item for
26 less than the appraised value of the item. The appraisal shall occur within one year
27 of the item being sold.

for purposes of publication, as required under present law and to include these items in any databases or registries.

(Amends R.S. 6:327)