

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 15-0341.01 Richard Sweetman x4333

HOUSE BILL 15-1064

HOUSE SPONSORSHIP

Nordberg,

SENATE SPONSORSHIP

Holbert,

House Committees  
Judiciary

Senate Committees  
Judiciary

A BILL FOR AN ACT

101 CONCERNING ACCESS TO THE SAFE DEPOSIT BOX OF A DECEDENT, AND,  
102 IN CONNECTION THEREWITH, LIMITING THE OBLIGATIONS OF  
103 CUSTODIANS WHO ACCESS THE BOX.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill clarifies who has access to the safe deposit box of a decedent. A custodian of a safe deposit box is not deemed to have acquired knowledge, either actual or constructive, pertaining to the value of any of the contents of the box delivered to a person as a consequence of the custodian's examination and delivery of such contents.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
2nd Reading Unamended  
February 27, 2015

HOUSE  
3rd Reading Unamended  
February 3, 2015

HOUSE  
2nd Reading Unamended  
February 2, 2015

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 15-10-111, **amend**  
3 (1) (a), (1) (b), and (4); and **repeal** (2) (d) as follows:

4           **15-10-111. Entry into safe deposit box of decedent -**  
5 **definitions.** (1) (a) Whenever a decedent at the time of his or her death  
6 was a sole or joint lessee of a safe deposit box, the custodian shall, prior  
7 to notice that a personal representative or special administrator has been  
8 appointed, allow access to the box by:

9           (I) IF THE DECEDENT WAS THE SOLE LESSEE OF THE BOX, a person  
10 claiming to be a successor of the decedent, or acting on behalf of a  
11 successor of the decedent, ~~if such decedent was the sole lessee of the box,~~  
12 upon presentation of an affidavit made pursuant to section 15-12-1201 for  
13 the purpose of delivering the contents of the box in accordance with said  
14 section; or

15           (II) IF THE DECEDENT WAS THE SOLE LESSEE OR A JOINT LESSEE OF  
16 THE BOX, a person who is reasonably believed to be an heir at law or  
17 devisee of the decedent, a person nominated as a personal representative  
18 pursuant to the provisions of section 15-12-203 (1) (a), or the agent or  
19 attorney of ANY such person for the purpose of determining whether the  
20 box contains an instrument that appears to be a will of the decedent, deed  
21 to a burial plot, or burial instructions.

22           (b) (I) If a person described in subparagraph (I) or (II) of  
23 paragraph (a) of this subsection (1) desires access to a safe deposit box  
24 but does not possess a key to the box, the custodian shall drill the safe  
25 deposit box at the person's expense.

26           (II) In the case of a person described in subparagraph (I) of

1 paragraph (a) of this subsection (1), the custodian shall deliver the  
2 contents of the box, other than a purported will, deed to a burial plot, and  
3 burial instructions, to the person in accordance with section 15-12-1201.  
4 IN ORDER TO PROTECT A CUSTODIAN IN CARRYING OUT HIS OR HER DUTY  
5 UNDER THE FOREGOING SENTENCE TO EXAMINE SUCH CONTENTS SOLELY  
6 FOR THE PURPOSE OF IDENTIFYING AND WITHHOLDING SPECIFIED  
7 DOCUMENTS AND MAKING DELIVERY OF SUCH CONTENTS OTHER THAN THE  
8 SPECIFIED DOCUMENTS TO SUCH PERSON, A CUSTODIAN IS NOT DEEMED TO  
9 HAVE ACQUIRED KNOWLEDGE, EITHER ACTUAL OR CONSTRUCTIVE,  
10 PERTAINING TO THE VALUE OF ANY OF THE CONTENTS OF THE BOX  
11 DELIVERED TO THE PERSON AS A CONSEQUENCE OF THE EXAMINATION AND  
12 DELIVERY.

13 (III) In the case of a person described in subparagraph (II) of  
14 paragraph (a) of this subsection (1), the custodian shall retain, in a secure  
15 location at the person's expense, the contents of the box other than a  
16 purported will, deed to a burial plot, and burial instructions.

17 (IV) A custodian shall deliver a purported will as described in  
18 ~~paragraph (c) of subsection (2) of this section.~~

19 ~~(V) A deed to a burial plot and burial instructions that are not part~~  
20 ~~of a purported will may be removed by a person described in~~  
21 ~~subparagraph (I) of paragraph (a) of this subsection (1) pursuant to~~  
22 ~~paragraph (d) of subsection (2) of this section, IF THE SAFE DEPOSIT BOX~~  
23 ~~CONTAINS A DEED TO A BURIAL PLOT OR BURIAL INSTRUCTIONS THAT ARE~~  
24 ~~NOT A PART OF A PURPORTED WILL, THE PERSON OR PERSONS AUTHORIZED~~  
25 ~~TO HAVE ACCESS TO THE SAFE DEPOSIT BOX UNDER THE PROVISIONS OF~~  
26 ~~SUBSECTION (1) OF THIS SECTION MAY REMOVE THESE INSTRUMENTS, and~~  
27 ~~the custodian shall not prevent the removal.~~

1 (VI) Expenses incurred by a custodian pursuant to this section  
2 shall be considered an estate administration expense.

3 (2) (d) ~~If the safe deposit box contains a deed to a burial plot or~~  
4 ~~burial instructions that are not a part of a purported will, the person or~~  
5 ~~persons authorized to have access to the safe deposit box under the~~  
6 ~~provisions of subsection (1) of this section may remove these instruments.~~

7 (4) ~~If at the time of the decedent's death one or more other persons~~  
8 ~~were legally permitted to enter the safe deposit box, their permission to~~  
9 ~~enter shall continue, notwithstanding the death of the decedent.~~ NOTHING  
10 IN THIS SECTION AFFECTS THE RIGHT OF SURVIVING JOINT LESSEES TO  
11 ENTER A SAFE DEPOSIT BOX AFTER THE DEATH OF A DECEDENT.

12 **SECTION 2. Act subject to petition - effective date.** This act  
13 takes effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly  
15 (August 5, 2015, if adjournment sine die is on May 6, 2015); except that,  
16 if a referendum petition is filed pursuant to section 1 (3) of article V of  
17 the state constitution against this act or an item, section, or part of this act  
18 within such period, then the act, item, section, or part will not take effect  
19 unless approved by the people at the general election to be held in  
20 November 2016 and, in such case, will take effect on the date of the  
21 official declaration of the vote thereon by the governor.