

By: Representative Reynolds

To: Banks and Banking

HOUSE BILL NO. 453
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 81-5-63, 81-12-143 AND 81-14-383,
2 MISSISSIPPI CODE OF 1972, TO INCREASE THE MAXIMUM AMOUNT THAT
3 BANKS, SAVINGS AND LOAN ASSOCIATIONS, SAVINGS BANKS AND CREDIT
4 UNIONS MAY PAY TO THE SUCCESSORS OF DECEASED DEPOSITORS WITHOUT
5 NECESSITY OF ADMINISTRATION; TO DEFINE "SUCCESSORS" FOR THE
6 PURPOSE OF THOSE SECTIONS; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 81-5-63, Mississippi Code of 1972, is
9 amended as follows:

10 81-5-63. When a deposit has been made or is hereafter * * *
11 made in the name of two (2) or more persons, payable to any one
12 (1) of those persons, or payable to any one (1) of those persons
13 or the survivor, or payable to any one (1) of those persons or to
14 the survivor or survivors, or payable to the persons as joint
15 tenants, the deposit or any part thereof or interest or dividends
16 thereon may be paid to any one (1) of those persons, without
17 liability whether one or more of those persons is living or not,
18 and the receipt of acquittance of the person so paid shall be a
19 valid and sufficient release and discharge to the bank for any
20 payment so made. The making of a deposit in that form, or the
21 making of additions thereto, shall create a presumption in any
22 action or proceeding to which either the bank or any survivor is a
23 party of the intention of all the persons named on the deposit to
24 vest title to the deposit and the additions thereto and all
25 interest or dividends thereon in the survivor or survivors. Any
26 bank may pay to the successor of a deceased depositor, as defined
27 in Section 91-7-322(2), without necessity of administration, any
28 sum to the credit of the decedent not exceeding Twelve Thousand

29 Five Hundred Dollars (\$12,500.00), without liability to any other
30 persons, relatives or beneficiaries, and the receipt of
31 acquittance of the person so paid shall be a valid and sufficient
32 release and discharge to the bank for any payment so made. This
33 section shall apply to all banking institutions, including
34 national banks and postal savings banks within the state. The
35 term "deposit" as used in this section shall include, but not be
36 limited to, any form of deposit or account, such as a savings
37 account, checking account, time deposit, demand deposit or
38 certificate of deposit, whether negotiable, nonnegotiable or
39 otherwise.

40 SECTION 2. Section 81-12-143, Mississippi Code of 1972, is
41 amended as follows:

42 81-12-143. Any association may pay to the successor of a
43 deceased savings account holder, as defined in Section
44 91-7-322(2), without necessity of administration, upon affidavit
45 that the deceased died leaving no last will and testament and bond
46 signed by each of the successors guaranteeing payment of any
47 lawful debts of the deceased to the extent of that withdrawal, any
48 sum in the decedent's account not in excess of Twelve Thousand
49 Five Hundred Dollars (\$12,500.00), and the receipt of acquittance
50 of the person or persons so paid shall be valid and sufficient
51 release and discharge to the association as against all other
52 persons and claimants for any payment so made; however, the bond
53 shall be made available to any creditor for suit against the
54 makers of the bond.

55 SECTION 3. Section 81-14-383, Mississippi Code of 1972, is
56 reenacted as follows:

57 81-14-383. Any savings bank may pay to the successor of a
58 deceased savings account holder, as defined in Section
59 91-7-322(2), without necessity of administration, upon affidavit
60 that the deceased died leaving no will and testament and bond
61 signed by each of the successors guaranteeing payment of any

62 lawful debts of the deceased to the extent of that withdrawal, any
63 sum in the decedent's account not to exceed Twelve Thousand Five
64 Hundred Dollars (\$12,500.00). The receipt of acquittance of the
65 person or persons so paid shall be a valid and sufficient release
66 and discharge to the savings bank against all other persons and
67 claimants for any payment so made; * * * however, the bond is made
68 available to any creditor for suit against the makers of the bond.

69 SECTION 4. When a deposit has been made or is hereafter made
70 in the name of two (2) or more persons, payable to any one (1) of
71 those persons, or payable to any one (1) of those persons or the
72 survivor, or payable to any one (1) of those persons or to the
73 survivor or survivors, or payable to the persons as joint tenants,
74 the deposit or any part thereof or interest or dividends thereon
75 may be paid to any one (1) of those persons, without liability
76 whether one or more of those persons is living or not, and the
77 receipt of acquittance of the person so paid shall be a valid and
78 sufficient release and discharge to the credit union for any
79 payment so made. The making of a deposit in that form, or the
80 making of additions thereto, shall create a presumption in any
81 action or proceeding to which either the credit union or any
82 survivor is a party of the intention of all the persons named on
83 the deposit to vest title to the deposit and the additions thereto
84 and all interest or dividends thereon in the survivor or
85 survivors. Any credit union may pay to the successor of a
86 deceased depositor, as defined in Section 91-7-322(2), without
87 necessity of administration, any sum to the credit of the decedent
88 not exceeding Twelve Thousand Five Hundred Dollars (\$12,500.00),
89 without liability to any other persons, relatives or
90 beneficiaries, and the receipt of acquittance of the person so
91 paid shall be a valid and sufficient release and discharge to the
92 credit union for any payment so made. This section shall apply to
93 all credit unions, including state and federal credit unions
94 within the state. The term "deposit" as used in this section

95 shall include, but not be limited to, any form of deposit or
96 account, such as a savings account, checking account, time
97 deposit, demand deposit or certificate of deposit, whether
98 negotiable, nonnegotiable or otherwise.

99 SECTION 5. Section 4 of this act shall be codified within
100 Chapter 13 of Title 81, Mississippi Code of 1972.

101 SECTION 6. This act shall take effect and be in force from
102 and after July 1, 2001.