

HOUSE BILL No. 1304

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-4.1-8-4; IC 6-4.1-8-5.

Synopsis: Safe deposit boxes of a deceased person. Provides that a county assessor or a representative of the department of state revenue who is authorized to examine a safe deposit box of a resident decedent may only examine an item in the safe deposit box to the extent necessary to determine whether the item concerned was owned by the resident decedent. Provides that an assessor or a representative of the department of state revenue who recklessly violates that requirement commits a Class B misdemeanor. Provides that a person who has possession of or control over a safe deposit box held by two individuals as joint tenants is not required on the death of one of the joint tenants to notify the department of state revenue or the county assessor before
(Continued next page)

Effective: July 1, 1999.

Smith V, Grubb, Brown T, Kruse

January 12, 1999, read first time and referred to Committee on Ways and Means.

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Digest Continued

opening the safe deposit box or to permit either of them to examine the contents of the safe deposit box if: (1) in the document evidencing ownership of the safe deposit box, the word "or" appears between the names of the joint tenants; and (2) the resident decedent's name is listed in the document after the name of the other joint tenants. Provides that a person who has possession of or control over the property may transfer the property to the surviving joint owner.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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HOUSE BILL No. 1304



A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-4.1-8-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A person who has
 3 possession of or control over personal property held jointly by a
 4 resident decedent and another person may not transfer the property to
 5 the surviving joint tenant, unless:
 6 (1) the surviving joint tenant is the decedent's surviving spouse;
 7 or
 8 (2) the property is money held in a joint checking account;
 9 without the written consent of the department of state revenue or the
 10 county assessor of the county in which the resident decedent was
 11 domiciled at the time of the decedent's death.
 12 (b) Except as provided in subsection (c), a person who has
 13 possession of or control over personal property held in a trust that is
 14 subject to the Indiana inheritance or estate tax at the time of a resident
 15 decedent's death may not transfer the property to a beneficiary or any



1 other person, unless the beneficiary or other person is the decedent's
 2 surviving spouse, without the written consent of the department of state
 3 revenue or the county assessor of the county in which the resident
 4 decedent was domiciled at the time of the decedent's death.

5 (c) A person who has possession of or control over personal
 6 property held in trust may transfer the property without the written
 7 consent of the department of state revenue or the county assessor of the
 8 county in which the resident decedent was domiciled at the time of the
 9 decedent's death under the following conditions:

10 (1) The transferee is domiciled in Indiana.

11 (2) The transferee completes a sworn affidavit on a form
 12 prescribed by the department of state revenue that states:

13 (A) the transfer of the personal property is not subject to
 14 Indiana inheritance or estate tax; and

15 (B) the reasons the transfer is not subject to tax.

16 (3) A copy of the affidavit required under subdivision (2) is
 17 immediately filed with the department of state revenue.

18 (d) A person who has possession of or control over a resident
 19 decedent's personal property (except proceeds payable under a life
 20 insurance policy) may not transfer the property to any other person,
 21 unless:

22 (1) the other person is the decedent's surviving spouse; or

23 (2) the property is money held in a checking account;

24 without the written consent of the department of state revenue or the
 25 county assessor of the county in which the resident decedent was
 26 domiciled at the time of the decedent's death.

27 (e) The department of state revenue or the appropriate county
 28 assessor may consent to a transfer if the department or the county
 29 assessor believes that the transfer will not jeopardize the collection of
 30 inheritance tax.

31 (f) The department of state revenue shall send a copy of any consent
 32 to transfer that it issues under this section to the county assessor of the
 33 county in which the resident decedent was domiciled at the time of the
 34 decedent's death.

35 **(g) This section does not apply to personal property described**
 36 **in section 5(d) of this chapter.**

37 SECTION 2. IC 6-4.1-8-5 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) Except as
 39 provided in subsection (d), a person who has possession of or control
 40 over a resident decedent's safe deposit box may not open the box unless
 41 reasonable notice of the time and place of the box opening is given to
 42 the department of state revenue or the county assessor of the county in

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1 which the resident decedent was domiciled at the time of his death. In
 2 addition, the person shall permit the department of state revenue or the
 3 county assessor to examine and list the contents of the safe deposit box.
 4 **An assessor or a representative of the department of state revenue**
 5 **who is authorized to examine a safe deposit box under this**
 6 **subsection may only examine an item in the safe deposit box to the**
 7 **extent necessary to determine whether the item concerned was**
 8 **owned by the resident decedent. An assessor or a representative of**
 9 **the department of state revenue who recklessly violates this**
 10 **subsection commits a Class B misdemeanor.**

11 (b) Within ten (10) days after life insurance proceeds are paid to a
 12 resident decedent's estate, the life insurance company shall give notice
 13 of the payment to the department of state revenue.

14 (c) The department of state revenue shall send a copy of any safe
 15 deposit box inventory which it prepares under subsection (a), and a
 16 copy of any notice which it receives under subsection (b), to the county
 17 assessor of the county in which the resident decedent was domiciled at
 18 the time of his death.

19 (d) A person who has possession of or control over a safe deposit
 20 box held by two (2) individuals as joint tenants is not required, on the
 21 death of one (1) of the joint tenants, to

22 ~~(1)~~ notify the department of state revenue or the county assessor
 23 before opening the safe deposit box or

24 ~~(2)~~ permit the department of state revenue or the county assessor
 25 to examine and list the contents of the safe deposit box if **either**
 26 **of the following is true:**

27 **(1)** At the time of the joint tenant's death, the joint tenants were
 28 married to each other.

29 **(2) Both of the following are true:**

30 **(A) In the document evidencing ownership of the safe**
 31 **deposit box, the word "or" appears between the names of**
 32 **the joint tenants.**

33 **(B) The resident decedent's name is listed in the document**
 34 **after the name of the other joint tenant.**

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