

**A-Engrossed**  
**House Bill 2447**

Ordered by the House February 16  
Including House Amendments dated February 16

Sponsored by Representative REYNOLDS (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides that declarations of Department of Human Services or Oregon Health Authority relating to deceased depositors of certain financial institutions must be made within specified time period.

**A BILL FOR AN ACT**

1  
2 Relating to agency declarations relating to deceased depositors; amending ORS 192.589, 708A.430  
3 and 723.466.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 708A.430 is amended to read:

6 708A.430. (1) On the death of a depositor of an insured institution, if the deposit is \$25,000 or  
7 less, the insured institution, after receiving an affidavit as provided in subsection (3) of this section  
8 from a person that claims the deposit, or a declaration from the Department of Human Services or  
9 the Oregon Health Authority as provided in subsection (4) of this section, may pay the moneys on  
10 deposit to the credit of the deceased depositor, in the following order of priority, to:

11 (a) The surviving spouse at the surviving spouse's demand at any time after the depositor's  
12 death;

13 (b) The Oregon Health Authority or the Department of Human Services, if the authority or the  
14 department demands the payment not less than 46 days and no more than 75 days after the death  
15 of the depositor if the depositor does not have a surviving spouse and if the authority or department  
16 has a preferred claim under ORS 411.708, 411.795 or 416.350;

17 (c) The depositor's surviving children 18 years of age or older, if the depositor does not have a  
18 surviving spouse and the authority and department do not have a claim;

19 (d) The depositor's surviving parent, if the depositor does not have a surviving spouse or sur-  
20 viving child 18 years of age or older and if the authority and department do not have a claim;

21 (e) The depositor's surviving brothers and sisters 18 years of age or older, if the depositor does  
22 not have a surviving spouse, surviving child 18 years of age or older or surviving parent and the  
23 authority and department do not have a claim; or

24 (f) Any other surviving heir of the depositor, if there is no surviving spouse, authority claim,  
25 department claim, surviving child 18 years of age or older, surviving parent or surviving brothers  
26 or sisters 18 years of age or older.

27 (2)(a) An insured institution may not pay moneys on deposit under subsection (1)(c) to (f) of this  
28 section earlier than 46 days after the death of the depositor.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (b) An insured institution may not pay moneys on deposit under subsection (1)(c) to (f) of this  
2 section earlier than 76 days after the death of the depositor unless the financial institution obtains  
3 prior verbal or written authorization from the Oregon Health Authority or its designated represen-  
4 tative and the Department of Human Services or its designated representative.

5 (3) An affidavit or declaration submitted under this section must:

6 (a) State where and when the depositor died;

7 (b) State that the total deposits of the deceased depositor in all financial institutions in Oregon  
8 do not exceed \$25,000;

9 (c) Show the relationship of the affiant or declarant to the deceased depositor; and

10 (d) Embody a promise to pay the expenses of last sickness, funeral expenses and just debts of  
11 the deceased depositor out of the deposit to the full extent of the deposit if necessary, in the order  
12 of priority prescribed by ORS 115.125, and to distribute any remaining moneys to the persons that  
13 are entitled to the moneys by law.

14 (4) An insured institution shall accept from the Department of Human Services or the Oregon  
15 Health Authority, without additional requirements, a declaration under penalty of perjury meeting  
16 the requirements of subsection (3) of this section, **provided that the declaration is submitted no**  
17 **earlier than 46 days after the death of the depositor and no later than 76 days after the death**  
18 **of the depositor.** A declaration submitted under this section must be signed by the declarant and  
19 must include the following sentence immediately above the signature line of the declarant: "I hereby  
20 declare under penalty of perjury that I am authorized by the Department of Human Services or the  
21 Oregon Health Authority to make this declaration, that the above statement is true to the best of  
22 my knowledge and belief, and that I understand that it is subject to penalty for perjury."

23 (5) In the event the depositor died intestate without known heirs, an estate administrator of the  
24 State Treasurer appointed under ORS 113.235 is the affiant and shall receive the moneys for deposit  
25 into the Unclaimed Property and Estates Fund as escheated property and subject to claims under  
26 ORS 116.253.

27 (6) The insured institution shall determine the relationship of the affiant or declarant to the  
28 deceased depositor, but paying the moneys in good faith to the affiant or declarant discharges and  
29 releases the insured institution from any liability or responsibility for the transfer in the same  
30 manner and with the same effect as if the insured institution transferred, delivered or paid the  
31 moneys to a personal representative of the estate of the deceased depositor.

32 (7) A probate proceeding is not necessary to establish the right of the surviving spouse, Oregon  
33 Health Authority, Department of Human Services, surviving child, surviving parent, surviving  
34 brothers and sisters or an estate administrator of the State Treasurer to withdraw the deposits after  
35 filing the affidavit or declaration. If a personal representative is appointed in an estate where a  
36 withdrawal of deposits was made under this section, the person that withdraws the deposits shall  
37 account for the deposits to the personal representative.

38 (8) If an insured institution transfers moneys under subsection (1) of this section, the insured  
39 institution may require the transferee to furnish the insured institution with a written indemnity  
40 agreement that indemnifies the insured institution against loss for moneys the insured institution  
41 transferred to the extent of the amount of the deposit.

42 (9)(a) Moneys disbursed to the Department of Human Services under subsection (1) of this sec-  
43 tion may be made payable only to the department.

44 (b) Moneys disbursed to the Oregon Health Authority under subsection (1) of this section may  
45 be made payable only to the authority.

1 (10) This section is subject to the rights of other parties in the account under ORS 708A.455 to  
2 708A.515.

3 **SECTION 2.** ORS 723.466 is amended to read:

4 723.466. (1) On the death of a member of a credit union, if the deposit to the credit of the de-  
5 ceased member is \$25,000 or less, the credit union may, upon receipt of an affidavit from a person  
6 claiming the deposit as provided in subsection (3) of this section, or a declaration from the Depart-  
7 ment of Human Services or the Oregon Health Authority as provided in subsection (4) of this sec-  
8 tion, pay the moneys on deposit:

9 (a) To the surviving spouse on demand of the surviving spouse at any time after the death of  
10 the member;

11 (b) If there is no surviving spouse, to the Oregon Health Authority or the Department of Human  
12 Services, on demand of the authority or the department no less than 46 days and no more than 75  
13 days after the death of the member when there is a preferred claim arising under ORS 411.708,  
14 411.795 or 416.350;

15 (c) If there is no surviving spouse and no authority or department claim, to the member's sur-  
16 viving children 18 years of age or older;

17 (d) If there is no surviving spouse, authority claim, department claim or surviving child 18 years  
18 of age or older, to the member's surviving parents;

19 (e) If there is no surviving spouse, authority claim, department claim, surviving child 18 years  
20 of age or older or surviving parent, to the member's surviving brothers and sisters 18 years of age  
21 or older; or

22 (f) If there is no surviving spouse, authority claim, department claim, surviving child 18 years  
23 of age or older, surviving parent or surviving brothers or sisters 18 years of age or older, to any  
24 other surviving heir of the member.

25 (2)(a) A credit union may not pay moneys on deposit under subsection (1)(c) to (f) of this section  
26 earlier than 46 days after the death of the member.

27 (b) A credit union may not pay moneys on deposit under subsection (1)(c) to (f) of this section  
28 earlier than 76 days after the death of the member unless the financial institution obtains prior  
29 verbal or written authorization from the Oregon Health Authority or its designated representative  
30 and the Department of Human Services or its designated representative.

31 (3) An affidavit or declaration submitted under this section must:

32 (a) State where and when the member died;

33 (b) State that the total deposits of the deceased member in all financial institutions in this state  
34 do not exceed \$25,000;

35 (c) Show the relationship of the affiant or declarant to the deceased member; and

36 (d) Embody a promise to pay the expenses of last sickness, funeral expenses and just debts of  
37 the deceased member out of the deposit, to the full extent of the deposit if necessary, in the order  
38 of priority prescribed by ORS 115.125, and to distribute any remaining moneys to the persons who  
39 are entitled to those moneys by law.

40 (4) A credit union shall accept from the Department of Human Services or the Oregon Health  
41 Authority, without additional requirements, a declaration under penalty of perjury meeting the re-  
42 quirements of subsection (3) of this section, **provided that the declaration is submitted no earlier**  
43 **than 46 days after the death of the depositor and no later than 76 days after the death of the**  
44 **depositor.** A declaration submitted under this section must be signed by the declarant and must  
45 include the following sentence immediately above the signature line of the declarant: "I hereby de-

1 clare under penalty of perjury that I am authorized by the Department of Human Services or the  
2 Oregon Health Authority to make this declaration, that the above statement is true to the best of  
3 my knowledge and belief, and that I understand that it is subject to penalty for perjury.”

4 (5) In the event the member died intestate without known heirs, an estate administrator of the  
5 State Treasurer appointed under ORS 113.235 shall be the affiant and shall receive the moneys for  
6 deposit into the Unclaimed Property and Estates Fund as escheated property and subject to claims  
7 under ORS 116.253.

8 (6) The credit union shall determine the relationship of the affiant or declarant to the deceased  
9 member. However, payment of the moneys in good faith to the affiant or declarant discharges and  
10 releases the transferor from any liability or responsibility for the transfer in the same manner and  
11 with the same effect as if the property had been transferred, delivered or paid to a personal repre-  
12 sentative of the estate of the deceased member.

13 (7) A probate proceeding is not necessary to establish the right of the surviving spouse, Oregon  
14 Health Authority, Department of Human Services, surviving children, surviving parents, surviving  
15 brothers and sisters or an estate administrator of the State Treasurer to withdraw the deposits upon  
16 the filing of the affidavit or declaration. If a personal representative is appointed in an estate where  
17 a withdrawal of deposits was made under this section, the person withdrawing the deposits shall  
18 account for them to the personal representative.

19 (8) When a credit union transfers moneys under subsection (1) of this section, the transferor may  
20 require the transferee to furnish the transferor with a written indemnity agreement, indemnifying  
21 the transferor against loss for moneys paid to the extent of the amount of the deposit.

22 (9)(a) Moneys disbursed to the Department of Human Services under subsection (1) of this sec-  
23 tion may be made payable only to the department.

24 (b) Moneys disbursed to the Oregon Health Authority under subsection (1) of this section may  
25 be made payable only to the authority.

26 (10) This section is subject to the rights of other parties to the account under ORS 723.474 to  
27 723.498.

28 **SECTION 3.** ORS 192.589 is amended to read:

29 192.589. (1) At any time after an individual dies, the Department of Human Services or the  
30 Oregon Health Authority may deliver to a financial institution the written notice and request de-  
31 scribed in subsection (2) of this section.

32 (2) A written notice and request under this section must:

33 (a) Include the name, last known address and Social Security number of the deceased individual;

34 (b) State the date of the deceased individual's death;

35 (c) State that the deceased individual received public assistance or medical assistance that was  
36 subject to a claim for reimbursement under ORS 411.640, 411.708, 411.795 or 416.350; and

37 (d) Request that the financial institution provide all or any part of the following information to  
38 the department or the authority:

39 (A) Whether the financial institution held on the date of the deceased individual's death any  
40 deposit account in the deceased individual's name or in more than one name, one of which is the  
41 deceased individual's name;

42 (B) The balance on deposit in each deposit account described in subparagraph (A) of this para-  
43 graph on the date of the deceased individual's death;

44 (C) The name of each person to whom the financial institution disbursed funds from a deposit  
45 account described in subparagraph (A) of this paragraph on or after the date of the deceased

1 individual's death, if the financial institution closed the deposit account on or after the date of the  
2 deceased individual's death;

3 (D) A record of the activity in each of the deposit accounts described in subparagraph (A) of this  
4 paragraph in the period that begins 30 days before the date of the deceased individual's death and  
5 ends on the date of the deceased individual's death;

6 (E) A copy of any affidavit or declaration the financial institution received under ORS 708A.430  
7 or 723.466; and

8 (F) The name and address of any person named as an owner of a deposit account described in  
9 subparagraph (A) of this paragraph, if the financial institution has the information in the financial  
10 institution's records.

11 (3) The department or the authority may submit an affidavit or declaration under ORS 708A.430  
12 or 723.466 at the same time the department or authority submits a notice and request under sub-  
13 section (2) of this section, **except that a declaration under ORS 708A.430 must be submitted**  
14 **no earlier than 46 days after the death of the depositor and no later than 76 days after the**  
15 **death of the depositor.**

16 (4) The department and the authority shall reimburse a financial institution as provided in ORS  
17 192.602 for all reasonable costs and expenses the financial institution incurs to provide information  
18 in response to a notice and request under subsection (2) of this section.

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