

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 19

- 01/10/2013 Authored by Hortman, Hoppe and Rosenthal
The bill was read for the first time and referred to the Committee on Civil Law
- 01/28/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Judiciary Finance and Policy
- 01/31/2013 Adoption of Report: Pass and Read Second Time
- 02/18/2013 By motion, re-referred to the Committee on Civil Law
- 03/20/2013 Adoption of Report: Pass as Amended and Read Second Time
- 04/16/2013 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
1.2 relating to accounts; allowing agency designations in certain situations; providing
1.3 form language; making clarifying changes; amending Minnesota Statutes
1.4 2012, sections 524.6-201, subdivision 7, by adding a subdivision; 524.6-203;
1.5 524.6-204; 524.6-211; 524.6-213, by adding subdivisions; proposing coding for
1.6 new law in Minnesota Statutes, chapter 524.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2012, section 524.6-201, is amended by adding a
1.9 subdivision to read:

1.10 Subd. 2a. **Agent.** "Agent" means a person authorized to make account transactions
1.11 for a party.

1.12 Sec. 2. Minnesota Statutes 2012, section 524.6-201, subdivision 7, is amended to read:

1.13 Subd. 7. **Party.** "Party" means a person who, by the terms of the account, has a
1.14 present right, subject to request, to payment from a multiple-party account other than as an
1.15 agent. A P.O.D. payee is a party only after the account becomes payable by reason of the
1.16 payee surviving the original party. Unless the context otherwise requires, it includes a
1.17 guardian, conservator, personal representative, or assignee, including an attaching creditor,
1.18 of a party. It also includes a person identified as a trustee of an account for another whether
1.19 or not a beneficiary is named, but it does not include any named beneficiary unless the
1.20 beneficiary has a present right of withdrawal.

1.21 Sec. 3. Minnesota Statutes 2012, section 524.6-203, is amended to read:

1.22 **524.6-203 OWNERSHIP DURING LIFETIME.**

2.1 (a) A joint account belongs, during the lifetime of all parties, to the parties in
2.2 proportion to the net contributions by each to the sums on deposit, unless there is clear and
2.3 convincing evidence of a different intent.

2.4 (b) A P.O.D. account belongs to the original purchasing or depositing party during
2.5 the party's lifetime and not to the P.O.D. payee or payees; if two or more parties are named
2.6 as original parties, during their lifetimes, rights as between them are governed by ~~elause~~
2.7 paragraph (a).

2.8 (c) An agent in an account with an agency designation has no beneficial right to
2.9 sums on deposit by virtue of being named as an agent.

2.10 **Sec. 4. [524.6-215] DESIGNATION OF AGENT.**

2.11 (a) By a writing signed by all parties, or by less than all of the parties if the contract
2.12 of deposit expressly so provides, the parties may designate, as an agent of all parties
2.13 on an account, a person other than a party.

2.14 (b) Unless the terms of an agency designation provide that the authority of the agent
2.15 terminates on disability or incapacity of a party, the agent's authority survives disability
2.16 and incapacity. The agent may act for a party until the authority of the agent is terminated
2.17 by the party, by an attorney-in-fact appointed by the party, or by a conservator appointed
2.18 to protect the interests of the party.

2.19 (c) Death of the sole party or last surviving party terminates the authority of an agent.

2.20 (d) Except as otherwise provided for in section 524.6-211, a financial institution is
2.21 not liable for account transactions performed at the direction of, or authorized by, an agent
2.22 under an agency designation for an account if:

2.23 (1) the financial institution has no actual notice of the determination of the agent's
2.24 authority prior to the transaction;

2.25 (2) the financial institution has no actual knowledge of the death of the sole party
2.26 or last surviving party; or

2.27 (3) the agent's authority does not survive the disability or incapacity of all the parties,
2.28 and the financial institution has not received actual notice of such disability or incapacity.

2.29 **Sec. 5. [524.6-216] TYPES OF ACCOUNT; EXISTING ACCOUNTS.**

2.30 (a) An account may be for a single party or multiple parties. A multiple-party
2.31 account may be with or without a right of survivorship between the parties. Subject to
2.32 section 524.6-204, either a single-party account or a multiple-party account may have a
2.33 P.O.D. designation, an agency designation, or both.

3.1 (b) An account established before, on or after August 1, 2013, whether in the form
3.2 prescribed in section 524.6-213 or in any other form acceptable to the financial institution,
3.3 is either a single-party account or a multiple-party account, with or without right of
3.4 survivorship, and with or without a P.O.D. designation or an agency designation within the
3.5 meaning of this chapter, and is governed by this chapter.

3.6 (c) An agency designation created on or after August 1, 2013, is governed by this
3.7 chapter.

3.8 Sec. 6. Minnesota Statutes 2012, section 524.6-204, is amended to read:

3.9 **524.6-204 RIGHT OF SURVIVORSHIP.**

3.10 (a) Sums remaining on deposit at the death of a party to a joint account belong to the
3.11 surviving party or parties as against the estate of the decedent unless: (1) there is clear and
3.12 convincing evidence of a different intention; 2 or (2) there is a different disposition made by
3.13 a valid will ~~as herein provided~~, specifically referring to such account, as herein provided.
3.14 If there are two or more surviving parties, their respective ownerships during lifetime shall
3.15 be in proportion to their previous ownership interests under section 524.6-203 augmented
3.16 by an equal share for each survivor of any interest the decedent may have owned in the
3.17 account immediately before death; and the right of survivorship continues between the
3.18 surviving parties. The interest so determined is also the interest disposable by will.

3.19 (b) If the account is a P.O.D. account, on the death of the original party or of the
3.20 survivor of two or more original parties, any sums remaining on deposit belong to the
3.21 P.O.D. payees if surviving, or to the survivor of them if one or more die before the
3.22 surviving original party; if two or more P.O.D. payees survive, there is no right of
3.23 survivorship in event of death of a P.O.D. payee thereafter unless the terms of the account
3.24 or deposit agreement expressly provide for survivorship between them.

3.25 (c) In other cases, the death of any party to a multiple-party account has no effect
3.26 on beneficial ownership of the account other than to transfer the rights of the decedent
3.27 as part of the estate.

3.28 (d) A right of survivorship arising from the express terms of the account, or under
3.29 this section, or under a P.O.D. payee designation, may be changed by specific reference by
3.30 will, but the terms of such will shall not be binding upon any financial institution unless
3.31 it has been given a notice in writing of a claim thereunder, in which event the deposit
3.32 shall remain undisbursed until an order has been made by the probate court adjudicating
3.33 the decedent's interest disposable by will.

4.1 Sec. 7. Minnesota Statutes 2012, section 524.6-211, is amended to read:

4.2 **524.6-211 FINANCIAL INSTITUTION PROTECTION; DISCHARGE.**

4.3 Payment made pursuant to sections 524.6-208 to 524.6-210 discharges the financial
 4.4 institution from all claims for amounts so paid whether or not the payment is consistent
 4.5 with the beneficial ownership of the account as between parties, P.O.D. payees, or
 4.6 beneficiaries by will or otherwise, or their successors. The protection here given does not
 4.7 extend to payments made after a financial institution has received written notice from
 4.8 any person entitled to request payment to the effect that withdrawals in accordance with
 4.9 the terms of the account, including one having an agency designation, should not be
 4.10 permitted, and the financial institution has had a reasonable opportunity to act on it when
 4.11 the payment is made. Unless the notice is withdrawn by the person giving it, the successor
 4.12 of any deceased party and all other parties entitled to payment must concur in any demand
 4.13 for withdrawal if the financial institution is to be protected under this section. No other
 4.14 notice or any other information shown to have been available to a financial institution shall
 4.15 affect its right to the protection provided here. A financial institution that receives written
 4.16 notice pursuant to this section, or that otherwise has reason to believe that a dispute exists
 4.17 as to the rights of the parties may refuse, without liability, to make payment in accordance
 4.18 with the terms of the account. The protection here provided shall not affect the rights
 4.19 of parties in disputes between themselves or their successors concerning the beneficial
 4.20 ownership of funds in, or withdrawn from, multiple-party accounts.

4.21 Sec. 8. Minnesota Statutes 2012, section 524.6-213, is amended by adding a
4.22 subdivision to read:

4.23 **Subd. 3. Contract of deposit; sample form.** A contract of deposit that contains
 4.24 provisions in substantially the following form establishes the type of account provided, and
 4.25 the account is governed by the provisions of this part applicable to an account of that type:

4.26 UNIFORM SINGLE- OR MULTIPLE-PARTY ACCOUNT FORM

4.27 PARTIES [Name One Or More Parties]:

4.28

4.29 OWNERSHIP [Select One And Initial]:

4.30 SINGLE-PARTY ACCOUNT

4.31 MULTIPLE-PARTY ACCOUNT

4.32 Parties own account in proportion to net contributions unless there is clear
4.33 and convincing evidence of a different intent.

4.34 RIGHTS AT DEATH [Select One And Initial]:

4.35 SINGLE-PARTY ACCOUNT

5.1 At death of party, ownership passes as part of party's estate.

5.2 SINGLE-PARTY ACCOUNT WITH P.O.D. (PAYABLE ON DEATH)
5.3 DESIGNATION

5.4 [Name One Or More Beneficiaries]:

5.5

5.6 At death of party, ownership passes to P.O.D. beneficiaries and is not part
5.7 of party's estate.

5.8 MULTIPLE-PARTY ACCOUNT WITH RIGHT OF SURVIVORSHIP

5.9 At death of party, ownership passes to surviving parties.

5.10 MULTIPLE-PARTY ACCOUNT WITH RIGHT OF SURVIVORSHIP AND
5.11 P.O.D. (PAYABLE ON DEATH) DESIGNATION

5.12 [Name One Or More Beneficiaries]:

5.13

5.14 At death of last surviving party, ownership passes to P.O.D. beneficiaries
5.15 and is not part of last surviving party's estate.

5.16 MULTIPLE-PARTY ACCOUNT WITHOUT RIGHT OF SURVIVORSHIP

5.17 At death of party, deceased party's ownership passes as part of deceased
5.18 party's estate.

5.19 AGENCY DESIGNATION [Optional]

5.20 Agents may make account transactions for parties but have no ownership
5.21 or rights at death unless named as P.O.D. beneficiaries. [To Add Agency
5.22 Designation To Account, Name One Or More Agents]:

5.23

5.24 [Select One And Initial]:

5.25 AGENCY DESIGNATION SURVIVES DISABILITY OR INCAPACITY
5.26 OF ANY OR ALL OF THE PARTIES

5.27 AGENCY DESIGNATION TERMINATES ON DISABILITY OR
5.28 INCAPACITY OF THE SOLE PARTY OR THE LAST SURVIVING
5.29 PARTY

5.30 Sec. 9. Minnesota Statutes 2012, section 524.6-213, is amended by adding a
5.31 subdivision to read:

5.32 Subd. 4. **Contract of deposit; generally.** A contract of deposit that does not
5.33 contain provisions in substantially the form provided in subdivision 3 is governed by
5.34 the provisions of this part applicable to the type of account that most nearly conforms
5.35 to the depositor's intent.