

**286.2-105 Examination of contents of a decedent's safe deposit box to find will or funeral arrangements -- Definitions for section.**

- (1) As used in this section:
  - (a) "Interested person" means a:
    1. Lessee's surviving spouse, adult child, or parent;
    2. Person named as the personal representative in a copy of a purported will of a lessee produced by the person;
    3. Person designated by a lessee in a writing that is:
      - a. Acceptable to a lessor; and
      - b. Filed with a lessor before the death of a lessee; or
    4. Person named in a court order to examine the contents of a safe deposit box for any purpose listed in subsection (2) of this section;
  - (b) "Lessee" means a person who contracts with a lessor for the use of a safe deposit box;
  - (c) "Lessor" means any of the following entities that rent safe deposit boxes:
    1. A state or national bank, bank holding company, trust company, savings and loan association, savings and loan association holding company, credit union, or wholly owned subsidiary of any of the foregoing; or
    2. A safe deposit company; and
  - (d) "Safe deposit box" means a safe deposit box, vault, receptacle, or other safe deposit facility maintained by a lessor that may be used for the safekeeping and storage of property and documents.
- (2)
  - (a) If an interested person presents satisfactory proof of the death of a lessee and the interested person possesses a key to the lessee's safe deposit box, a lessor shall permit the interested person to open and examine the contents of the safe deposit box in the presence of an employee of the lessor for any or all of the following purposes:
    1. To conduct a will search; or
    2. To obtain any document purporting to:
      - a. Be a deed to a burial plot; or
      - b. Give funeral or burial instructions.
  - (b) For purposes of this subsection, the following shall be considered satisfactory proof of the death of a lessee:
    1. A death certificate;
    2. A notice or indication of death from a governmental agency, funeral home, or hospital; or
    3. Any other document that a reasonable person would rely on as an indication of death.
- (3) If a safe deposit box is opened for any or all of the purposes listed in subsection (2) of this section, an employee of the lessor shall remove any document that appears to satisfy the purpose or purposes, make a true and correct machine copy thereof,

replace the copy or copies in the box, and then deliver the original document or documents to the interested person requesting the search.

- (4) This section shall not be construed to authorize the removal of any safe deposit box contents other than a will, a document purporting to be a deed to a burial plot, and a document giving funeral or burial instructions.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 152, sec. 8, effective July 15, 2024. -- Created 2001 Ky. Acts ch. 141, sec. 2, effective June 21, 2001.

**Formerly codified as** KRS 286.105.

**Legislative Research Commission Note** (7/12/2006). In accordance with 2006 Ky. Acts ch. 247, secs. 38 and 39, this statute has been renumbered as a section of the Kentucky Financial Services Code, KRS Chapter 286.