

# STATE OF NEW YORK

6949

2021-2022 Regular Sessions

## IN SENATE

May 20, 2021

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Banks

AN ACT to amend the banking law, in relation to establishing joint and survivorship accounts; and repealing certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The banking law is amended by adding a new section 675-a to  
2 read as follows:

3 § 675-a. Joint accounts; joint and survivorship accounts. 1. Join  
4 accounts. (a) When a deposit of cash, securities, or other property has  
5 been made or shall hereafter be made in or with any banking organization  
6 or foreign banking corporation transacting business in this state, or  
7 shares shall have been already issued or shall be hereafter issued, in  
8 any savings and loan association or credit union transacting business in  
9 this state, in the name of such depositor or shareholder and another  
10 person and in form to be paid or delivered to either, or the survivor of  
11 them, such deposit or shares and any additions thereto or accruals there-  
12 on may be paid or delivered to either during the lifetime of both, and  
13 such payment or delivery and the receipt or acquittance of the one to  
14 whom such payment or delivery is made, shall be a valid and sufficient  
15 release and discharge to the banking organization for all payments or  
16 deliveries made on account of such deposit or shares prior to the  
17 receipt by the banking organization of notice in writing signed by  
18 either one of such persons, not to pay or deliver such deposit or shares  
19 and the additions and accruals thereon in accordance with the terms  
20 thereof, and after receipt of any such notice, the banking organization  
21 may require the receipt or acquittance of both such persons for any  
22 further payments or delivery.

23 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
24 sion, the making of such deposit or the issuance of such shares in such

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 form shall not affect the title to such deposit or shares, which shall  
2 remain in the depositor, and the depositor shall not be considered to  
3 have made a gift of any part of the deposit or of any additions thereto  
4 or accruals thereon to the other person.

5 (c) If an addition is made to such an account by anyone other than the  
6 depositor, such an addition and accruals thereon shall be considered to  
7 have been made by the depositor.

8 (d) On the death of the other person during the lifetime of the depos-  
9 itor the payment or delivery to the depositor of any or all of the funds  
10 remaining in the account shall be a valid and sufficient release to the  
11 banking organization.

12 2. Joint and survivorship accounts. On the death of the depositor of  
13 an account established under subdivision one of this section during the  
14 lifetime of the other person, the funds remaining in the account shall  
15 pass either to the other person by right of survivorship or as part of  
16 the depositor's estate, in accordance with the written designation of  
17 the depositor made upon the establishment of the account. If the depos-  
18 itor dies without having designated the depositor's intention, the depo-  
19 sitor shall be treated as having designated the intention that the  
20 remaining funds pass as part of the depositor's estate. If the depositor  
21 has designated the intention that the remaining funds pass as part of  
22 the depositor's estate, (a) payment or delivery to the other person of  
23 any or all of the funds remaining in the account shall still be a valid  
24 and sufficient release to the banking organization if made prior to the  
25 receipt by the banking organization of written notice of the depositor's  
26 death, and (b) a banking organization which, prior to service upon it of  
27 a restraining order, injunction or other appropriate process from a  
28 court of competent jurisdiction prohibiting payment, makes payment to  
29 the executor, administrator or other qualified representative of the  
30 deceased depositor's estate, shall, to the extent of such payment, be  
31 released from liability to any person claiming a right to the funds and  
32 the receipt or acquittance of the executor, administrator or qualified  
33 representative to whom payment is made shall be a valid and sufficient  
34 release and discharge of the banking organization. If the depositor has  
35 indicated the intention that the remaining funds pass to the other  
36 person by right of survivorship, payment or delivery to the other person  
37 of any or all of the funds remaining in the account shall be a valid and  
38 sufficient release to the banking organization if made prior to service  
39 upon it of a restraining order, injunction or other appropriate process  
40 from a court of competent jurisdiction prohibiting such payment.

41 3. Regulations of the superintendent. (a) The superintendent shall  
42 promulgate and may from time to time amend rules and regulations which  
43 require that the depositor of a joint account under this section be  
44 informed of the terms and conditions of the account, including the  
45 relationship and consequences between the parties in the account and the  
46 responsibilities of the institution with which the account is estab-  
47 lished.

48 (b) This subdivision or any rule or regulation thereunder shall not be  
49 deemed or construed as increasing or diminishing the rights or liability  
50 of any person or entity.

51 4. Application. The provisions of this section shall apply to accounts  
52 established on or after the effective date of this section.

53 § 2. Section 675 of the banking law is amended by adding a new subdi-  
54 vision (d) to read as follows:

55 (d) Notwithstanding any provision of law to the contrary, the  
56 provisions of this section shall apply only to accounts opened prior to

1 the effective date of section six hundred seventy-five-a of this arti-  
2 cle.

3 § 3. Section 678 of the banking law is REPEALED.

4 § 4. Section 679 of the banking law, as added by chapter 432 of the  
5 laws of 2018, is renumbered section 678 and is amended to read as  
6 follows:

7 § 678. Public awareness; banking services. The superintendent shall  
8 conduct a public awareness campaign to educate consumers on different  
9 banking services available in the state, particularly those that can  
10 assist vulnerable adults in financial planning, including, but not  
11 limited to, citizens of an advanced age, individuals with cognitive or  
12 developmental disabilities, or those who have health or physical issues  
13 that impair their financial independence. The public awareness campaign  
14 shall include information regarding the differences between types of  
15 accounts, including joint [~~and convenience~~] accounts and joint and  
16 survivorship accounts, as well as the rights and responsibilities gener-  
17 ally recognized for each. The public awareness campaign shall also  
18 include, but not be limited to, answers to general concerns and ques-  
19 tions that individuals may have with respect to the establishment of  
20 certain types of accounts and services, as well as information and  
21 recommendations for obtaining more information.

22 § 5. This act shall take effect on the thirtieth day after it shall  
23 have become a law. Effective immediately, the addition, amendment  
24 and/or repeal of any rule or regulation necessary for the implementation  
25 of this act on its effective date are authorized to be made and  
26 completed on or before such effective date.