

1-1 By: Ellis S.B. No. 1792
1-2 (In the Senate - Filed March 13, 2015; March 24, 2015, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 15, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 15, 2015,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Huffman	X			
1-10	Ellis	X			
1-11	Birdwell	X			
1-12	Creighton	X			
1-13	Estes	X			
1-14	Fraser	X			
1-15	Nelson	X			
1-16	Schwertner	X			
1-17	Zaffirini	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1792 By: Ellis

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to access to a financial institution account of a person
1-22 who dies intestate.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle D, Title 2, Estates Code, is amended by
1-25 adding Chapter 153 to read as follows:

1-26 CHAPTER 153. ACCESS TO INTESTATE'S ACCOUNT WITH FINANCIAL
1-27 INSTITUTION

1-28 Sec. 153.001. DEFINITIONS. In this chapter:

1-29 (1) "Account" has the meaning assigned by Section
1-30 113.001.

1-31 (2) "Financial institution" has the meaning assigned
1-32 by Section 201.101, Finance Code.

1-33 (3) "P.O.D. account" and "trust account" have the
1-34 meanings assigned by Section 113.004.

1-35 Sec. 153.002. INAPPLICABILITY OF CHAPTER. This chapter
1-36 does not apply to:

1-37 (1) an account with a beneficiary designation;

1-38 (2) a P.O.D. account;

1-39 (3) a trust account; or

1-40 (4) an account that provides for a right of
1-41 survivorship.

1-42 Sec. 153.003. COURT-ORDERED ACCESS TO INTESTATE'S ACCOUNT
1-43 INFORMATION. (a) In this section, "interested person" means an
1-44 heir, spouse, creditor, or any other having a property right in or
1-45 claim against the decedent's estate.

1-46 (b) On application of an interested person or on the court's
1-47 own motion, a court may issue an order requiring a financial
1-48 institution to release to the person named in the order information
1-49 concerning the balance of each account that is maintained at the
1-50 financial institution of a decedent who dies intestate if:

1-51 (1) 90 days have elapsed since the date of the
1-52 decedent's death;

1-53 (2) no petition for the appointment of a personal
1-54 representative for the decedent's estate is pending; and

1-55 (3) no letters testamentary or of administration have
1-56 been granted with respect to the estate.

1-57 SECTION 2. This Act takes effect September 1, 2015.

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