

SB0229



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0229

Introduced 2/4/2009, by Sen. Carole Pankau

SYNOPSIS AS INTRODUCED:

New Act

Creates the Banking Convenience Account for Depositors Act. Provides that a banking organization shall permit a depositor to open a convenience account for the purposes of permitting a convenience depositor to make deposits into that account. Provides that the convenience account shall be in the name of a depositor and the convenience depositor and in form to be paid or delivered to either for the convenience of the depositor. Contains provisions concerning the right of survivorship and gift status in relation to deposits made to a convenience account. Specifies the rights of depositors and convenience depositors. Contains provisions concerning the duties, obligations, and liabilities of banking organizations with respect to convenience accounts.

LRB096 05726 MJR 15794 b

A BILL FOR

1 AN ACT concerning financial regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Banking Convenience Account for Depositors Act.

6 Section 5. Definitions. For purposes of this Act:

7 "Banking organization" means any person doing a banking
8 business whether subject to the laws of this or any other
9 jurisdiction.

10 "Convenience account" means an account established
11 pursuant to this Act.

12 "Convenience depositor" means a person that makes deposits
13 into the depositor's convenience account pursuant to this Act.

14 "Depositor" means a person that is the primary account
15 holder of any account held by a banking organization.

16 Section 10. Convenience accounts; creation.

17 (a) A banking organization shall permit a depositor to open
18 a convenience account for the purposes of permitting a
19 convenience depositor to make deposits into that account. The
20 convenience account shall be in the name of a depositor and the
21 convenience depositor and be permitted to pay or deliver funds
22 to either for the convenience of the depositor.

1 (b) Deposits made into a convenience account shall not
2 affect the title to any deposit or shares and the depositor
3 shall not be considered to have made a gift of one-half the
4 deposit or of any additions or accruals thereon to the
5 convenience depositor, and, on the death of the depositor, the
6 convenience depositor shall have no right of survivorship in
7 the convenience account account. If an addition is made to a
8 convenience account by anyone other than the depositor, any
9 addition and accruals thereon shall be considered to have been
10 made by the depositor.

11 Section 15. Depositors and convenience depositors. Any
12 deposit, together with all additions and accruals thereon, made
13 to the convenience account may be paid or delivered to the
14 depositor or the convenience depositor, and the payment or
15 delivery and the receipt or acquittance of the one to whom the
16 payment or delivery is made, shall be a valid and sufficient
17 release and discharge to the banking organization prior to the
18 receipt by the banking organization of notice in writing signed
19 by the depositor not to pay or deliver the deposit or shares
20 and the additions and accruals thereon in accordance with the
21 terms thereof, and after receipt of any notice, the banking
22 organization may require the receipt or acquittance of the
23 depositor for any further payments or delivery.

24 Section 20. Banking organizations; liability for

1 convenience accounts. If the depositor is dead, then payment or
2 delivery to the convenience depositor shall be a valid and
3 sufficient release to the banking organization prior to the
4 receipt by the banking organization of written notice of the
5 depositor's death. A banking organization which, upon the death
6 of the depositor and prior to service upon it of a restraining
7 order, injunction, or other appropriate process from a court of
8 competent jurisdiction prohibiting payment, makes payment to
9 the executor, administrator, or other qualified representative
10 of the deceased depositor's estate, shall, to the extent of
11 such payment, be released from liability to any person claiming
12 a right to the funds and the receipt or acquittance of the
13 executor, administrator, or qualified representative to whom
14 payment is made shall be a valid and sufficient release and
15 discharge of the banking organization.