

ACT 53

H.B. NO. 754

A Bill for an Act Relating to Recovery of Funds for Funeral Payments.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 560:3-1201, Hawaii Revised Statutes, is amended to read as follows:

“§560:3-1201 Collection of personal property by affidavit. Any person indebted to the decedent or having possession of tangible personal property or an

instrument evidencing a debt, obligation, stock, or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent or to the department of human services where the department has paid for the decedent's burial services pursuant to section 346-15, upon being presented a death certificate for the decedent and an affidavit made by or on behalf of the successor or the department of human services stating that:

- (1) The net value of the decedent's estate in this State does not exceed \$5,000;
- (2) No application or petition for the appointment of a personal representative is pending or has been granted in this State; and
- (3) (a) The claiming successor is entitled to payment or delivery of the property and explaining the relationship of the claiming successor to the decedent[.]; or
 (b) The department of human services has paid for the decedent's burial.

The affidavit of the department of human services shall have priority over any other claim filed pursuant to this section."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 24, 1989.)