
HOUSE BILL 1078

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Appelwick, Padden, Ludwig, Orr and Johanson

Read first time 01/13/93. Referred to Committee on Judiciary.

1 AN ACT Relating to nontestamentary characterization of interests
2 passing at death; adding new sections to chapter 11.02 RCW; and
3 repealing RCW 11.02.090.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) An otherwise effective written
6 instrument of transfer may not be deemed testamentary solely because of
7 a provision for a nonprobate transfer at death in the instrument.

8 (2) "Provision for a nonprobate transfer at death" as used in
9 subsection (1) of this section includes, but is not limited to, a
10 written provision that:

11 (a) Money or another benefit up to that time due to, controlled, or
12 owned by a decedent before death must be paid after the decedent's
13 death to a person whom the decedent designates either in the instrument
14 or a separate writing, including a will, executed at any time;

15 (b) Money or another benefit due or to become due under the
16 instrument ceases to be payable in the event of the death of the
17 promisee or the promisor before payment or demand; or

18 (c) Property, controlled by or owned by the decedent before death,
19 that is the subject of the instrument passes to a person the decedent

1 designates either in the instrument or in a separate writing, including
2 a will, executed at any time.

3 (3) "Otherwise effective written instrument of transfer" as used in
4 subsection (1) of this section means: An insurance policy; a contract
5 of employment; a bond; a mortgage; a promissory note; a certified or
6 uncertified security; an account agreement; a compensation plan; a
7 pension plan; an individual retirement plan; an employee benefit plan;
8 a joint tenancy; a community property agreement; a trust; a conveyance;
9 a deed of gift; a contract; or another written instrument of a similar
10 nature that would be effective if it did not contain provision for a
11 nonprobate transfer at death.

12 (4) This section only eliminates a requirement that instruments of
13 transfer comply with formalities for executing wills under chapter
14 11.12 RCW. This section does not make a written instrument effective
15 as a contract, gift, conveyance, deed, or trust that would not
16 otherwise be effective as such for reasons other than failure to comply
17 with chapter 11.12 RCW.

18 (5) This section does not limit the rights of a creditor under
19 other laws of this state.

20 NEW SECTION. **Sec. 2.** A provision in a lease of a safety deposit
21 repository to the effect that two or more persons have access to the
22 repository, or that purports to create a joint tenancy in the
23 repository or in the contents of the repository, or that purports to
24 vest ownership of the contents of the repository in the surviving
25 lessee, is ineffective to create joint ownership of the contents of the
26 repository or to transfer ownership at death of one of the lessees to
27 the survivor. Ownership of the contents of the repository and
28 devolution of title to those contents is determined according to rules
29 of law without regard to the lease provisions.

30 NEW SECTION. **Sec. 3.** RCW 11.02.090 and 1974 ex.s. c 117 s 54 are
31 each repealed.

32 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act are each added
33 to chapter 11.02 RCW.

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