



Senator Scott Jiu Wo Kawasaki

Serving Fairbanks, Fort Wainwright & Badger Road

Senate Bill 104 – Version G

Sponsor Statement

“An Act relating to the transfer of a title on the death of the owner; relating to the transferability of common interest community ownership interests; and providing for an effective date.”

The death of a family member is a difficult experience for any person. It is an emotional process we all have or will face that drains an individual’s stamina and motivation. Add to that the legal complications and costs this familial absence inflicts on a household, and it is no wonder that a death in the family is one of the most stressful events in a person's life. Going through the probate process can cost a family thousands, potentially tens of thousands of dollars in legal and filing fees, at a time when an individual is less able to cope with such financial pressure. SB 104 would provide an option for Alaskans to alleviate such pressures when a loved one passes.

SB 104 aims to continue the work of the Uniform Real Property Transfer on Death Act (URPTDA). This piece of legislation, passed in 2014 with unanimous support from both the House and the Senate, created the Transfer on Death (TOD) deed, which allows for non-probate transfers of real property. TOD deeds allow Alaskans to select a beneficiary who will receive the property upon their passing and remove it from the probate process, which can take anywhere from 6 months to several years to complete. At this time, a TOD deed can not be issued for boats and other vehicles for which the DMV issues titles. SB 104 would ameliorate this situation.

This piece of legislation would continue the ongoing effort to reduce the costs and stress of probate for Alaskans by creating a streamlined service through the DMV that allows any Alaskan to designate beneficiaries for both vehicles and boats by filling out a simple form. With this TOD deed, an Alaskan could gain access to a vehicle or boat much faster than if they had to go through the probate process. This may seem like a moot point but consider a situation where a family runs a fishing business from their family boat. That boat is a crucial part of the business, and not being able to use it for even a month could lead to bankruptcy. SB 104 would ensure such a situation would not happen.

The TOD titles will be available for all boats and vehicles for which the DMV provides titles, which also includes some mobile manufactured homes under AS.45.29.102(66). The program would be self-sustaining through fees collected from individuals who file for TOD deeds.

SB 104 will allow countless Alaskans to pass down boats, vehicles, and some manufactured homes to beneficiaries with more ease and will help simplify the potentially complicated, costly, lengthy, and painful process of probate following the death of a loved one.