

**From:** [Susan A](#)  
**To:** [Senate State Affairs](#)  
**Subject:** Public Testimony: Opposition to SB 104 in Its Current Form and Proposal for Legally Sound Amendments  
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## Public Testimony: Opposition to SB 104 in Its Current Form and Proposal for Legally Sound Amendments

To: Alaska Senate Judiciary Committee  
Subject: Testimony on SB 104 – Transfer on Death Titles for Vehicles and Vessels  
Date: May 4, 2025  
From: Susan Allmeroth

Chairman and Members of the Committee,

I respectfully submit this testimony in opposition to SB 104 as currently drafted. While I recognize the bill's intention to ease the transfer of vehicles and vessels upon death, the current language introduces serious legal, ethical, and constitutional issues that must be corrected to ensure fairness, protect families, and prevent exploitation.

### Key Issues with SB 104 as Drafted:

- Violation of Spousal Rights

SB 104, as written, may allow individuals to bypass spousal inheritance rights and elective shares without the spouse's knowledge. This could violate due process and protections enshrined in Alaska Statutes §13.12.201–207.

- Lack of Creditor and Probate Safeguards

Without requiring notice to creditors or a waiting period post-death, the bill opens the door to fraudulent transfers and could leave valid debts unpaid, creating hardship for surviving family members.

- Risk of Elder Abuse and Coercion

The absence of notarized or witnessed consent by the named beneficiary can lead to abuse—particularly among vulnerable seniors or disabled individuals unaware of what they are signing.

- No Recognition of Tribal or Rural Legal Systems

Alaska Native communities and tribal governments have their own probate and property systems. SB 104 ignores those legal realities, which could result in jurisdictional conflicts.

- Potential for Wealth Transfer Abuse

The bill does not restrict corporations, trusts, or shell companies from being named as TOD beneficiaries, creating a pipeline for unjust enrichment and avoidance of probate scrutiny—elements often exploited under models similar to Project 2025.

### Recommended Amendments for a Just and Constitutional SB 104:

- Spousal Consent Clause

Ensure no TOD form may override a spouse's elective share without their notarized written

consent.

- **Creditor and Probate Shield**

Add a mandatory 12-month period where transferred titles remain subject to probate and creditor claims unless expressly waived by court order.

- **Anti-Coercion Safeguards**

Require notarized acknowledgment of the TOD form by the named beneficiary and notification to the surviving spouse and next of kin.

- **Tribal Government Protections**

Include a clause mandating consultation with tribal entities when the transfer involves tribal lands or citizens.

- **Equity Access Provisions**

Guarantee TOD forms are free, available in multiple languages, and accessible to the disabled, elderly, and rural Alaskans.

- **Ban on Corporate and Trust Beneficiaries**

Prohibit non-individual TOD beneficiaries unless they file beneficial ownership disclosures to prevent fraudulent asset hiding.

- **Revenue Justice**

Earmark any fees generated from TOD filings to Alaska's Energy and Environmental Justice Fund to ensure that wealth transfers do not further marginalize communities.

- **Dispute and Fraud Protections**

Establish fast-track probate court processes for TOD disputes and impose penalties for abuse under existing fraud statutes.

SB 104's goal of reducing hardship during times of death is commendable, but the current draft does more harm than good. Without significant amendments, the bill risks trampling spousal rights, enabling fraud, disregarding tribal sovereignty, and facilitating corporate abuse.

I urge this committee to either table SB 104 or adopt these recommended amendments to ensure a version of the bill that is legally robust, constitutionally sound, and fair to all Alaskans—especially those most vulnerable.

Respectfully,  
Susan Allmeroth  
Two Rivers

I recommend the following proposed Amendments to make the bill easier for individuals in these situations, as well as more fair, equitable and equal for all parties involved.

#### Proposed Amendments to SB 104 (Transfer on Death Titles)

##### 1. Spousal Rights Preservation

- Add: "No transfer-on-death designation shall override or impair a surviving spouse's elective

share under AS 13.12.201–13.12.207 without written waiver or consent of the spouse prior to death."

## 2. Creditor and Probate Protections

- Add: "A transfer-on-death title shall remain subject to any valid creditor claims, tax liens, or unresolved probate matters for a period of 12 months following the decedent's death, unless expressly released by the probate court."

## 3. Notice and Consent Safeguards

- Require: Notarized acceptance or acknowledgment by the named TOD beneficiary to prevent fraud or abuse.
- Notify: Surviving spouse and next of kin must be notified of the TOD designation within 30 days of the form's registration.

## 4. Tribal and Sovereign Entity Consultation

- Add: "This act shall not preempt or override any tribal government's probate processes or land/mobility use laws. Tribal consultation is required if the vehicle or vessel is located or operated primarily within tribal lands."

## 5. Equity and Accessibility

- Require: Free access to TOD forms and clear instructions to be made available at DMVs and online.
- Provide: Assistance for non-English speakers, individuals with disabilities, and those in rural or Indigenous communities.

## 6. Prohibited Uses

- Ban: Naming a corporate or trust entity as a TOD beneficiary unless transparency disclosures are filed, including beneficial ownership.
- Prohibit: Using TOD to transfer commercial vessels or vehicles that are part of an open labor dispute or under legal investigation.

## 7. Revenue Use

- Direct: A portion of any TOD processing fees shall be allocated to the Energy and Environmental Justice Fund to ensure TOD laws do not facilitate unjust enrichment.

## 8. Dispute Resolution and Penalties

- Add: "Any disputes involving a TOD title shall be fast-tracked through probate court with an expedited process for low-income parties."
- Penalize: Filing false or coercively obtained TOD forms carries fines and potential criminal

liability under AS 11.46.600–699 (Fraudulent Acts).

Susan Allmeroth  
Two Rivers