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Referred: Judiciary

1 IN THE HOUSE

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HOUSE BILL NO. 408

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

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A BILL

6 For an Act entitled: "An Act providing for the adoption of the Uniform

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Simultaneous Death Act."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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* Section 1. AS 13 is amended by adding a new chapter to read:

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CHAPTER 43. UNIFORM SIMULTANEOUS DEATH ACT.

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Sec. 13.43.010. NO SUFFICIENT EVIDENCE OF SURVIVORSHIP. Except

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as otherwise provided in this chapter, when the title to property or

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the devolution of property depends upon priority of death and there is

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no sufficient evidence that the persons have died other than

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simultaneously, the property of each person shall be disposed of as if

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that person had survived.

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Sec. 13.43.020. SURVIVAL OF BENEFICIARIES. If property is so

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disposed of that the right of a beneficiary to succeed to an interest

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in the property is conditional upon the beneficiary surviving another

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person, and both persons die, and there is no sufficient evidence that

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the two have died other than simultaneously, the beneficiary shall be

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considered not to have survived. If there is no sufficient evidence

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that two or more beneficiaries have died other than simultaneously and

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property has been disposed of in such a way that at the time of their

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death each of the beneficiaries would have been entitled to the prop-

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erty if the beneficiary had survived the others, the property shall be

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divided into as many equal portions as there were beneficiaries and

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these portions shall be distributed respectively to those who would

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have taken in the event that each of the beneficiaries had survived.

1 Sec. 13.43.030. JOINT TENANTS OR TENANTS BY THE ENTIRETY. (a)
2 When there is no sufficient evidence that two joint tenants or tenants
3 by the entirety have died other than simultaneously the property held
4 in that manner shall be distributed one-half as if one had survived
5 and one-half as if the other had survived.

6 (b) When property is held by more than two joint tenants and
7 there is no sufficient evidence that all joint tenants have died other
8 than simultaneously the joint property distributed shall be in the
9 proportion that one bears to the whole number of joint tenants.

10 (c) In this section, "joint tenants" includes owners of property
11 held under circumstances that entitle one or more to the whole of the
12 property on the death of the other or others.

13 Sec. 13.43.040. COMMUNITY PROPERTY. When a husband and wife
14 have died, leaving community property, and there is no sufficient
15 evidence that they have died other than simultaneously, one-half of
16 all the community property shall pass as if the husband had survived
17 and as if that one-half were the husband's separate property, and the
18 other one-half of all the community property shall pass as if the wife
19 had survived and as if that one-half were the wife's separate proper-
20 ty.

21 Sec. 13.43.050. INSURANCE POLICIES. (a) When the insured and
22 the beneficiary in a policy of life or accident insurance that is not
23 community property have died and there is no sufficient evidence that
24 they have died other than simultaneously the proceeds of the policy
25 shall be distributed as if the insured had survived the beneficiary.

26 (b) When a policy of life or accident insurance is community
27 property of the insured and spouse and there is no alternative benefi-
28 ciary except the estate or personal representatives of the insured,
29 the proceeds shall be distributed as community property under

1 AS 13.43.040.

2 Sec. 13.43.060. INAPPLICABLE SECTIONS IF DECEDENT PROVIDES
3 OTHERWISE. The provisions of this chapter do not apply in the case of
4 wills, living trusts, deeds, contracts of insurance, or any other
5 situation when provision is made for distribution of property
6 different from the provisions of this chapter, or when provision is
7 made for a presumption as to survivorship that results in a
8 distribution of property different from that provided for under
9 this chapter.

10 Sec. 13.43.070. UNIFORMITY OF INTERPRETATION. This chapter
11 shall be applied and construed to achieve its general purpose to make
12 uniform the law with respect to the subject of this chapter among
13 those states that enact it.

14 Sec. 13.43.080. SHORT TITLE. This chapter may be cited as the
15 Uniform Simultaneous Death Act.

16 * Sec. 2. APPLICABILITY. The provisions of this Act do not apply to
17 the distribution of the property of a person who died before the effective
18 date of this Act.