

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 13-0294.01 Bart Miller x2173

HOUSE BILL 13-1016

HOUSE SPONSORSHIP

Gardner,

SENATE SPONSORSHIP

Jahn,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DISTRIBUTION TO BENEFICIARIES OF AMOUNTS IN**
102 **PAY-ON-DEATH (POD) FINANCIAL INSTITUTION ACCOUNTS**
103 **PURSUANT TO WRITTEN DESIGNATION IN THE RECORDS OF THE**
104 **FINANCIAL INSTITUTION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law provides that a financial institution account with a pay-on-death (POD) designation naming 2 or more beneficiaries must be

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

paid to the surviving beneficiaries in equal shares, with no ability of the account owner to designate different proportions to each beneficiary. The bill changes the law to allow an account owner to specify something other than an equal division of a POD account. If one or more beneficiaries of the POD account predecease the account owner, the designation reverts to equal distribution unless the account owner amends the POD designation to dictate some other distribution.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 15-15-212, **amend**
3 (2) (b) as follows:

4 **15-15-212. Rights at death.** (2) In an account with a POD
5 designation:

6 (b) (I) On death of the sole party or the last survivor of two or
7 more parties, sums on deposit belong to the surviving beneficiary or
8 beneficiaries. If two or more beneficiaries survive, sums on deposit
9 belong to them in equal and undivided shares UNLESS THERE IS CLEAR
10 WRITTEN EVIDENCE OF A DIFFERENT INTENT IN THE RECORDS OF THE
11 FINANCIAL INSTITUTION AT WHICH THE ACCOUNT IS MAINTAINED, and
12 there is no right of survivorship in the event of death of a beneficiary
13 thereafter.

14 (II) IF THERE ARE TWO OR MORE DESIGNATED BENEFICIARIES, AND
15 IF ANY DESIGNATED BENEFICIARY FAILS TO SURVIVE THE SOLE PARTY OR
16 THE LAST SURVIVOR OF TWO OR MORE PARTIES, SUMS ON DEPOSIT BELONG
17 TO THE SURVIVING BENEFICIARIES IN EQUAL AND UNDIVIDED SHARES
18 DESPITE EVIDENCE OF A DIFFERENT INTENT.

19 (III) If no beneficiary survives, sums on deposit belong to the
20 estate of the last surviving party.

21 **SECTION 2. Effective date - applicability.** This act takes effect
22 upon passage and applies to all accounts with a pay-on-death (POD)

1 designation, whether created before or on or after the applicable effective
2 date of this act.

3 **SECTION 3. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.