

Regular Session, 2014

SENATE BILL NO. 607

BY SENATOR GALLOT

DIVORCE. Provides relative to effects of divorce and death upon an individual's designation of former spouse as beneficiary in certain agreements. (8/1/14)

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AN ACT

To enact R.S. 9:314, relative to divorce; to provide for the effect of divorce on the designation by an individual of the individual's former spouse as beneficiary in certain agreements or documents upon the death of the individual; to provide certain terms, conditions, and exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:314 is hereby enacted to read as follows:

§314. Effect of divorce on designation of beneficiary

A. If an individual domiciled in this state was divorced at the time of his death, then any designation of the individual's former spouse as beneficiary of the individual's life insurance policy, annuity contract, pension or profit-sharing plan, or other contractual arrangement providing for payment to the former spouse, which designation was revocable by the individual but was not revoked prior to the individual's death, is ineffective and shall be construed as if the former spouse had predeceased the individual except as provided in Subsection B of this Section.

B. The provisions of Subsection A of this Section shall not apply if the

1 designation was intended to survive the divorce based on at least one of the
2 following:

3 (1) The wording of the designation.

4 (2) A court order.

5 (3) A written contract between the individual and the former spouse.

6 (4) A designation of a former spouse as a beneficiary after the divorce
7 decree has been issued.

8 C.(1) Unless restrained by court order, no insurance company, pension
9 or profit-sharing plan trustee or other obligor shall be liable for making
10 payment to a former spouse that would have been proper in the absence of this
11 Section.

12 (2) Any former spouse to whom payment is made shall be answerable
13 to anyone prejudiced by the payment.

14 D. The provisions of this Section shall not apply to any retirement
15 system for public employees as referenced in Article X, Section 29(C) of the
16 Constitution of Louisiana.

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

Gallot (SB 607)

Proposed law provides that if an individual domiciled in this state was divorced at the time of his death, then any designation of the individual's former spouse as beneficiary of the individual's life insurance policy, annuity contract, pension or profit-sharing plan, or other contractual arrangement providing for payment to the former spouse, which designation was revocable by the individual but was not revoked prior to the individual's death, is ineffective and shall be construed as if the former spouse had predeceased the individual except as provided in proposed law.

Provides that proposed law shall not apply if the designation was intended to survive the divorce based on at least one of the following:

- (1) The wording of the designation.
- (2) A court order.
- (3) A written contract between the individual and the former spouse.
- (4) A designation of a former spouse as a beneficiary after the divorce decree has been

issued.

Proposed law provides that unless restrained by court order, no insurance company, pension or profit-sharing plan trustee or other obligor shall be liable for making payments to a former spouse that would have been proper in the absence of proposed law. Further provides that any former spouse to whom payment is made shall be answerable to anyone prejudiced by the payment.

Proposed law does not apply to any retirement system for public employees.

Effective August 1, 2014.

(Adds R.S. 9:314)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Deleted application to spouse in a pending divorce.