

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1953



ENROLLED

HOUSE BILL No. 167

(By Mr. Robert E. Watson)



PASSED February 18 1953

In Effect from Passage



FILED IN THE OFFICE OF THE SECRETARY OF STATE
of West Virginia

FEB 25 1953

D. PITT O'BRIEN,

SECRETARY OF STATE

167

ENROLLED

House Bill No. 167

(By MR. SEIBERT and MR. WATSON)

[Passed February 18, 1953; in effect from passage.]

AN ACT to amend chapter forty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article five, providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law with reference thereto.

Be it enacted by the Legislature of West Virginia:

That chapter forty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article five, to read as follows:

Article 5. Uniform Simultaneous Death Act.

Section 1. *No Sufficient Evidence of Survivorship.*—

2 Where the title to property or the devolution thereof de-

3 pends upon priority of death and there is no sufficient
4 evidence that the persons have died otherwise than simul-
5 taneously, the property of each person shall be disposed of
6 as if he had survived, except as provided otherwise in
7 this article.

Sec. 2. *Beneficiaries of Another Person's Disposition of*
2 *Property.*—Where two or more beneficiaries are desig-
3 nated to take successively by reason of survivorship under
4 another person's disposition of property and there is no
5 sufficient evidence that these beneficiaries have died oth-
6 erwise than simultaneously the property thus disposed of
7 shall be divided into as many equal portions as there are
8 successive beneficiaries and these portions shall be dis-
9 tributed respectively to those who would have taken in
10 the event that each designated beneficiary had survived.

Sec. 3. *Joint Tenants or Tenants by the Entirety.*—
2 Where there is no sufficient evidence that two joint tenants
3 or tenants by the entirety have died otherwise than simul-
4 taneously the property so held shall be distributed one-
5 half as if one had survived and one-half as if the other
6 had survived. If there are more than two joint tenants

7 and all of them have so died the property thus distributed
8 shall be in the proportion that one bears to the whole
9 number of joint tenants.

Sec. 4. *Insurance Policies.*—Where the insured and the
2 beneficiary in a policy of life or accident insurance have
3 died and there is no sufficient evidence that they have died
4 otherwise than simultaneously the proceeds of the policy
5 shall be distributed as if the insured had survived the
6 beneficiary.

Sec. 5. *Act Not Retroactive.*—This article shall not ap-
2 ply to the distribution of the property of a person who has
3 died before it takes effect.

Sec. 6. *Article Does Not Apply if Decedent Provides*
2 *Otherwise.*—This article shall not apply in the case of
3 wills, living trusts, deeds, or contracts of insurance where-
4 in provision has been made for distribution of property
5 different from the provisions of this article.

Sec. 7. *Uniformity of Interpretation.*—This article shall
2 be so construed and interpreted as to effectuate its gen-
3 eral purpose to make uniform the law in those states
4 which enact it.

Sec. 8. *Short Title.*—This article may be cited as the
2 Uniform Simultaneous Death Act.

Sec. 9. *Repeal of Inconsistent Laws.*—All laws or parts
2 of laws inconsistent with the provisions of this article are
3 hereby repealed.

Sec. 10. *Severability.*—If any of the provisions of this
2 article or the application thereof to any persons or circum-
3 stances is held invalid such invalidity shall not affect other
4 provisions or applications of the article which can be given
5 effect without the invalid provisions or application, and to
6 this end the provisions of this article are declared to be
7 severable.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Sam Kinley
Chairman Senate Committee

C. H. Rubler
Chairman House Committee

Originated in the House of Delegates

Takes effect *from* passage.

Harward Meyer
Clerk of the Senate

Ralph
Clerk of the House of Delegates

Ralph
President of the Senate

[Signature]
Speaker House of Delegates

The within *approved* this the *25th*
day of *February* 1953.
William C. Marland

Governor

