

RECEIVED

1992 MAR -11 PM 4: 32

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

— ● —

ENROLLED

Comm. Sub. for

HOUSE BILL No. *4023*

(By Delegates *Ratlidge + Casper*)

— ● —

Passed *Feb. 25* 1992

In Effect *From* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4023
(By DELEGATES RUTLEDGE AND CARPER)

[Passed February 25, 1992; in effect from passage.]

AN ACT to amend article four, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-three-a, relating to the establishment of bank accounts payable to one or more named beneficiaries upon the death of the account owner; outlining the rights of account owners and beneficiaries; requiring all changes to be in writing; and outlining the obligations of banking institutions.

Be it enacted by the Legislature of West Virginia:

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

**ARTICLE 4. BANKING INSTITUTIONS AND SERVICES
GENERALLY.**

§31A-4-33a. Establishment of payable on death accounts; rights of account owners; change of beneficiary to be in writing; rights of beneficiaries; limitation on liability of institutions making payments from such accounts.

1 (a) Any person may enter into a written contract with
2 any banking institution located in this state to establish
3 a payable on death bank account, which may be
4 abbreviated as a "p.o.d." account. A payable on death
5 account contract shall provide that upon the death of the
6 account owner the balance of any such account shall be
7 paid to the beneficiary or beneficiaries specifically
8 designated by the owner of the account who are
9 surviving at the time of the owner's death. Two or more
10 persons may own such an account as joint tenants with
11 right of survivorship, in which case the interest of any
12 designated beneficiary shall vest only upon the death of
13 the last surviving joint owner. Upon the death of the
14 owner, or last surviving owner, the balance of the
15 account shall be paid only to the designated surviving
16 beneficiaries. The terms of the payable on death
17 contract take precedence over contrary provisions of any
18 other testamentary document.

19 (b) The owner of a payable on death account shall
20 maintain all right, title and interest in the banking
21 account, including principal and interest, during his or
22 her lifetime; may freely withdraw and use the moneys
23 on deposit in the payable on death account, in whole or
24 in part; and may terminate or close the account at will.

25 (c) The account owner may change the designated
26 beneficiary at any time. Such change must be in writing
27 and executed in the form and manner prescribed by the
28 bank. Any such change of beneficiary must be delivered
29 to the bank prior to the death of the payable on death
30 account owner in order to be valid.

31 (d) Designated beneficiaries have no rights or claims
32 to a payable on death account until the death of the last
33 surviving owner of such account. Unless otherwise
34 provided in the written contract, where two or more
35 beneficiaries are designated, upon the death of the
36 account owner, each surviving beneficiary shall be paid
37 a per capita share of the account balance. If no
38 designated beneficiary survives the last account owner,
39 any account balance shall become a part of the last
40 surviving account owner's estate.

41 (e) If a designated beneficiary is a minor at the time
42 he or she becomes vested with any part of a payable on
43 death account, that portion of the account shall be paid
44 to the minor beneficiary in accordance with the
45 provisions of section thirty-four, article four, chapter
46 thirty-one-a of this code.

47 (f) Upon the death of the last surviving account
48 owner, delivery of moneys in a payable on death account
49 to the designated beneficiary or beneficiaries pursuant
50 to the terms of the written contract shall fully and
51 completely discharge the banking institution of all
52 obligations under said contract.

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

Thomer Heck
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect from passage.

Harrell E. Adams
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Kell Sundt
President of the Senate

Bob Cole
Speaker of the House of Delegates

The within is approved this the 5th day of March, 1992.

Yaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/3/92

Time 9:40 AM