

1 **H. B. 2742**

2
3 (By Delegates Andes, C. Miller, Savilla,
4 Hunt, Miley, Perry, Ellem, Fleischauer
5 and Householder)
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7 [Introduced January 21, 2011; referred to the
8 Committee on the Judiciary.]
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §48-5-614, relating
12 to the revocation of death benefits by divorce.

13 *Be it enacted by the Legislature of West Virginia:*

14 That the Code of West Virginia, 1931, as amended, be amended
15 by adding thereto a new section, designated §48-5-614, to read as
16 follows:

17 **ARTICLE 5. DIVORCE.**

18 **§48-5-614. Revocation of death benefits by divorce.**

19 (a) Upon the entry of the final divorce order, any revocable
20 beneficiary designation contained in a then existing written
21 contract owned by one party that provides for the payment of any
22 death benefit to the other party is revoked. A death benefit
23 prevented from passing to a former spouse by this section shall be
24 paid as if the former spouse had predeceased the decedent. The
25 payor of any death benefit shall be discharged from all liability
26 upon payment in accordance with the terms of the contract providing

1 for the death benefit, unless the payor receives written notice of
2 a revocation under this section prior to payment.

3 (b) The term "death benefit", as used in this section,
4 includes any payment under a life insurance contract, annuity,
5 retirement arrangement, compensation agreement or other contract
6 designating a beneficiary of any right, property or money in the
7 form of a death benefit.

8 (c) This section does not apply:

9 (1) To the extent an order of divorce or a written agreement
10 of the parties provides for a contrary result as to specific death
11 benefits; or

12 (2) To any trust or any death benefit payable to or under any
13 trust.

NOTE: The purpose of this bill is to revoke certain death benefits by divorce.

This section is new; therefore, it has been completely underscored.