

Reported Recommending.....
Ind. Postponed.....
Passed House.....
Failed to Pass House.....
Passed Senate.....
Failed to Pass Senate.....

House File 275

February 10, 1943.
Judiciary 1.

By JOHNSON of Marion.

A BILL FOR

An Act 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 General Assembly of the State of Iowa:

1 Section 1. No Sufficient Evidence of Survivorship.
2 Where the title to property or the devolution thereof depends
3 upon priority of death and there is no sufficient evidence
4 that the persons have died otherwise than simultaneously,
5 the property of each person shall be disposed of as if he
6 had survived, except as provided otherwise in this act.

1 Sec. 2. Beneficiaries of Another Person's Disposition
2 of Property. Where two or more beneficiaries are designat-
3 ed to take successively, by reason of survivorship, under an-
4 other person's disposition of property, and there is no
5 sufficient evidence that these beneficiaries have died other-
6 wise than simultaneously, the property thus disposed of shall
7 be divided into as many equal portions as there are success-
8 ive beneficiaries and these portions shall be distributed
9 respectively to those who would have taken in the event that

10 each designated beneficiary had survived.

1 Sec. 3. Joint Tenants or Tenants by the Entirety. Where
2 there is no sufficient evidence that two joint tenants or
3 tenants by the entirety have died otherwise than simultaneously
4 the property so held shall be distributed one-half as if one
5 had survived and one-half as if the other had survived.
6 If there are more than two joint tenants and all of them have
7 so died the property thus distributed shall be in the propor-
8 tion that one bears to the whole number of joint tenants.

1 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 ben-
6 eficiary.

1 Sec. 5. Act Not Retroactive. This act shall not apply
2 to the distribution of the property of a person who has died
3 before it takes effect.

1 Sec. 6. Act Does Not Apply If Decedent Provides Other-
2 wise. This act shall not apply in the case of wills, living
3 trusts, deeds, or contracts of insurance wherein provision has
4 been made for distribution of property different from the pro-
5 visions of this act.

1 Sec. 7. Uniformity of Interpretation. This act shall
2 be so construed and interpreted as to effectuate its general
3 purpose to make uniform the law in those states which enact

4 it.

1 Sec. 8. Short Title. This act may be cited as the Un-
2 iform Simultaneous Death Act.

1 Sec. 9. Repeal. All laws or parts of laws inconsistent
2 with the provisions of this act are hereby repealed.

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

EXPLANATION OF H. F. 275

This bill is a uniform simultaneous death act suggested by the state uniform law commission. Its purpose is to make provision as to the devolution of the property of joint owners and others where devolution depends on which of the joint owners died first, and they both died in some common disaster (for example, a car wreck) and no one knows who died first.