

AN ACT

RELATING TO IOWA'S UNIFORM DISCLAIMER OF PROPERTY INTEREST ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 633E.4, Code 2009, is amended to read as follows:

633E.4 Tax qualified disclaimer.

~~Notwithstanding~~ Except as provided in sections 633E.13 and 633E.15, notwithstanding any other provision of [this chapter](#), any disclaimer or transfer that meets the requirements of section 2518 of the Internal Revenue Code, ~~as now or hereafter amended, or any successor statute thereto,~~ and the regulations promulgated thereunder, for the purpose of being a tax qualified disclaimer with the effect that the disclaimed or transferred interest is treated as never having been transferred to the disclaimant is effective as a disclaimer under [this chapter](#). For purposes of this section, "Internal Revenue Code" means the same as defined in section 422.3.

Sec. 2. Section 633E.7, subsection 1, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

1. Upon the death of a holder of jointly held property, either of the following may occur:

a. If, during the deceased holder's lifetime, the deceased holder could have unilaterally regained a portion of the property attributable to the deceased holder's contribution without the consent of any other holder, a surviving holder may disclaim, in whole or in part, a fractional share of that portion of the property attributable to the deceased holder's contributions determined by dividing the number one by the number of joint holders alive immediately after the death of the holder to whose death the disclaimer relates.

b. For all other jointly held property, a surviving holder may disclaim, in whole or in part, a fraction of the whole of the property the numerator of which is one and the denominator of which is the product of the number of joint holders alive immediately before the death of the holder to whose death the disclaimer relates multiplied by the number of joint holders alive immediately after the death of the holder to whose death the disclaimer relates.

Sec. 3. Section 633E.7, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A noncitizen spouse who is a surviving joint tenant of real property interests created after July 13, 1988, can disclaim the spouse's interest to the full extent permitted under section 633E.4.

Sec. 4. Section 633E.13, subsection 5, Code 2009, is amended to read as follows:

5. A disclaimer is barred or limited if so provided by law other than this chapter, except as provided in subsection 7.

Sec. 5. Section 633E.13, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A disclaimer may be made at any time unless otherwise barred and any other law that would bar a disclaimer due to the passage of time shall not apply under this chapter.

Sec. 6. Section 633E.14, subsection 2, Code 2009, is amended to read as follows:

2. This chapter does not limit any right of a person to ~~waive, release, disclaim, or renounce~~ disclaim an interest in or power over property under a ~~law~~ statute other than this chapter.

Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2253, Eighty-third General Assembly.

MARK BRANDSGARD
Chief Clerk of the House

Approved _____, 2010

CHESTER J. CULVER
Governor