

Superseded 5/10/2016

49-11-609 Beneficiary designations -- Revocation of beneficiary designation -- Procedure -- Beneficiary not designated -- Payment to survivors in order established under the Uniform Probate Code -- Restrictions on payment -- Payment of deceased's expenses.

- (1) As used in this section, "member" includes a member, retiree, participant, covered individual, a spouse of a retiree participating in the insurance benefits created by Sections 49-12-404 and 49-13-404, or an alternate payee under a domestic relations order dividing a defined contribution account.
- (2) The most recent beneficiary designations signed by the member and filed with the office, including electronic records, at the time of the member's death are binding in the payment of any benefits due under this title.
- (3)
 - (a) Except where an optional continuing benefit is chosen, or the law makes a specific benefit designation to a dependent spouse, a member may revoke a beneficiary designation at any time and may execute and file a different beneficiary designation with the office.
 - (b) A change of beneficiary designation shall be completed on forms provided by the office.
- (4)
 - (a) All benefits payable by the office may be paid or applied to the benefit of the surviving next of kin of the deceased in the order of precedence established under Title 75, Chapter 2, Intestate Succession and Wills, if:
 - (i) no beneficiary is designated or if all designated beneficiaries have predeceased the member;
 - (ii) the location of the beneficiary or secondary beneficiaries cannot be ascertained by the office within 12 months of the date a reasonable attempt is made by the office to locate the beneficiaries; or
 - (iii) the beneficiary has not completed the forms necessary to pay the benefits within six months of the date that beneficiary forms are sent to the beneficiary's last-known address.
 - (b)
 - (i) A payment may not be made to a person included in any of the groups referred to in Subsection (4)(a) if at the date of payment there is a living person in any of the groups preceding it.
 - (ii) Payment to a person in any group based upon receipt from the person of an affidavit in a form satisfactory to the office that:
 - (A) there are no living individuals in the group preceding it;
 - (B) the probate of the estate of the deceased has not been commenced; and
 - (C) more than three months have elapsed since the date of death of the decedent.
- (5) Benefits paid under this section shall be:
 - (a) a full satisfaction and discharge of all claims for benefits under this title; and
 - (b) payable by reason of the death of the decedent.