

1 **WORKERS' COMPENSATION - DEATH**

2 **BENEFITS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Karen Mayne**

6 House Sponsor: Kory M. Holdaway

8 **LONG TITLE**

9 **General Description:**

10 This bill excludes workers' compensation death benefits from inclusion in the augmented
11 estate during probate.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ excludes workers' compensation death benefits from inclusion in the augmented
15 estate during probate.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **75-2-206**, as repealed and reenacted by Laws of Utah 1998, Chapter 39

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **75-2-206** is amended to read:

26 **75-2-206. Decedent's nonprobate transfers to the surviving spouse.**

27 Excluding property passing to the surviving spouse under the federal Social Security
28 system, any death benefits paid to the surviving spouse under any state workers' compensation
29 law, and property excluded under Section 75-2-208, the value of the augmented estate includes

30 the value of the decedent's nonprobate transfers to the decedent's surviving spouse, which
31 consist of all property that passed outside probate at the decedent's death from the decedent to
32 the surviving spouse by reason of the decedent's death, including:

33 (1) the decedent's fractional interest in property held as a joint tenant with the right of
34 survivorship, to the extent that the decedent's fractional interest passed to the surviving spouse
35 as surviving joint tenant;

36 (2) the decedent's ownership interest in property or accounts held in co-ownership
37 registration with the right of survivorship, to the extent the decedent's ownership interest passed
38 to the surviving spouse as surviving co-owner; and

39 (3) all other property that would have been included in the augmented estate under
40 Subsection 75-2-205(1) or (2) had it passed to or for the benefit of a person other than the
41 decedent's spouse, surviving spouse, the decedent, or the decedent's creditors, estate, or estate
42 creditors.