
HOUSE BILL 1063

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Ludwig, Padden, R. Meyers and Orr.

Read first time January 17, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to disposition of disclaimed interest; and amending
2 RCW 11.86.041.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 11.86.041 and 1989 c 34 s 4 are each amended to read
5 as follows:

6 (1) Unless the instrument creating an interest directs to the
7 contrary, the interest disclaimed shall pass as if the beneficiary had
8 died immediately prior to the date of the transfer of the interest.
9 The disclaimer shall relate back to this date for all purposes.

10 (2) Unless the disclaimer directs to the contrary, the beneficiary
11 may receive another interest in the property subject to the disclaimer.

12 (3) Any future interest taking effect in possession or enjoyment
13 after termination of the interest disclaimed takes effect as if the
14 beneficiary had died prior to the date of the beneficiary's final

1 ascertainment as a beneficiary and the indefeasible vesting of the
2 interest.

3 (4) The disclaimer is binding upon the beneficiary and all persons
4 claiming through or under the beneficiary.

5 (5) (~~Notwithstanding subsection (1) or (3) of this section, no~~
6 ~~beneficiary whose interest has been disclaimed shall be deemed to have~~
7 ~~died for purposes of RCW 11.12.120~~) Unless the instrument creating the
8 interest directs to the contrary, a beneficiary whose interest in a
9 devise or bequest under a will has been disclaimed shall be deemed to
10 have died for purposes of RCW 11.12.110.