

## **BILL ANALYSIS**

H.B. 3121  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that a revocable deed that transfers real property at the transferor's death has a different effect based on the number of designated beneficiaries to receive interest in the property and whether certain beneficiaries predecease the transferor and suggest that additional consistency on this issue would be beneficial. H.B. 3121 seeks to address this need by providing for the share of any designated beneficiary that predeceases the transferor under a transfer on death deed to be passed as if the deed were a devise made in a will, regardless of the number of designated beneficiaries.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3121 amends the Estates Code to revise the provision regarding the rules that apply on the death of a transferor to an interest in real property that is the subject of a transfer on death deed and owned by the transferor at death when a designated beneficiary fails to survive or predeceases the transferor, except as otherwise provided in the deed or in any other statute or the common law of the state governing a decedent's estate, to establish that the share of any designated beneficiary that fails to survive the transferor by 120 hours lapses and that such share is subject to and passes in accordance with statutory provisions governing the failure of a devise in a testator's will as if the transfer on death deed were such a devise. The bill revises the statutory form that may be used to create a transfer on death deed to establish different transfer options based on whether or not certain beneficiaries survive the testator and to instruct the testator on the selection of one of the applicable and available elections to account for beneficiaries who predecease the testator.

### **EFFECTIVE DATE**

September 1, 2017.