
HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY AND
RECOMMEND WHETHER LEGISLATION ESTABLISHING A REVOCABLE
BENEFICIARY DEED SHOULD BE ENACTED IN HAWAII.

1 WHEREAS, a revocable transfer on death or "revocable
2 beneficiary deed" is a deed that conveys an interest in real
3 property, including any debt secured by a lien on real property,
4 to a grantee beneficiary designated by the owner and expressly
5 states that the deed is effective on the death of the owner; and
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7 WHEREAS, generally, a revocable beneficiary deed may be
8 revoked at any time by the owner, provided that the revocation
9 is duly executed and recorded before the death of the owner; and
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11 WHEREAS, a revocable beneficiary deed enables an owner to
12 convey the interest in real property upon death without a will
13 or trust, thereby avoiding complicated or costly probate
14 proceedings; and
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16 WHEREAS, the transfer of real property by a revocable
17 beneficiary deed would be similar to other transfer on death
18 conveyances of personal property, such as bank accounts,
19 automobiles, boats, and retirement accounts; and
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21 WHEREAS, at least nine states have enacted beneficiary deed
22 legislation, including Arizona, Colorado, Kansas, Missouri,
23 Nevada, New Mexico, Ohio, Arkansas, and Wisconsin; and
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25 WHEREAS, it is important to examine Hawaii's existing real
26 property donative transfer devices and weigh the advantages and
27 disadvantages of a revocable beneficiary deed before enacting
28 similar legislation in this state; now, therefore,



1 BE IT RESOLVED by the House of Representatives of the
2 Twenty-fourth Legislature of the State of Hawaii, Regular
3 Session of 2008, the Senate concurring, that the Legislative
4 Reference Bureau is requested to study and recommend whether
5 legislation establishing a revocable beneficiary deed should be
6 enacted in Hawaii; and
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8 BE IT FURTHER RESOLVED that in completing the study, the
9 Legislative Reference Bureau is requested to:

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11 (1) Review the relevant revocable beneficiary deed
12 statutes, experience since enacting a revocable
13 beneficiary deed statute, and related legal incidents
14 in Arizona, Colorado, Kansas, Missouri, Nevada, New
15 Mexico, Ohio, Arkansas, and Wisconsin;
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17 (2) Identify and describe any existing real property
18 donative transfer devices in Hawaii that may be
19 similar to the revocable beneficiary deed;
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21 (3) Weigh advantages and disadvantages of enacting
22 revocable beneficiary deed legislation in Hawaii;
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24 (4) Seek the cooperation and assistance of the:
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26 (A) Judiciary;
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28 (B) Department of Commerce and Consumer Affairs;
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30 (C) Registrar of the Land Court;
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32 (D) Registrar of the Bureau of Conveyances;
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34 (E) Elder Law Section of the Hawaii State Bar
35 Association; and
36
37 (F) Probate and Estate Planning Section of the Hawaii
38 State Bar Association;

39 and
40

41 BE IT FURTHER RESOLVED that the Legislative Reference
42 Bureau is requested to submit a report of any findings and
43 recommendations, including proposed legislation, to the



1 Legislature no later than 20 days prior to the convening of the
2 2009 Regular Session; and

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4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the Legislative
6 Reference Bureau, Chief Justice of the Hawaii Supreme Court,
7 Director of Commerce and Consumer Affairs, Registrar of the Land
8 Court, Registrar of the Bureau of Conveyances, Chair of the
9 Elder Law Section of the Hawaii State Bar Association, and Chair
10 of the Probate and Estate Planning Section of the Hawaii State
11 Bar Association.

