A BILL FOR AN ACT

CONCERNING DESIGNATED BENEFICIARY AGREEMENTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Authorizes 2 competent adults who are not married to enter into a designated beneficiary agreement, making each adult a designated beneficiary of the other. Provides that, in the absence of a superseding legal document that controls, a designated beneficiary agreement entitles each party to:

! Certain financial protections regarding ownership of real and personal property;

! Be a proxy decision-maker or a surrogate decision-maker to make other medical decisions for the other designated
beneficiary;

! Be a conservator or guardian for the other designated beneficiary;

! Be treated as a beneficiary under the other designated beneficiary's benefits for life insurance;

! Be treated as a dependent under the other designated beneficiary's benefits for health insurance if the designated beneficiary's employer elects to provide coverage to designated beneficiaries;

! Have the right to visit the other designated beneficiary in the hospital or in a nursing home;

! Inherit through intestate succession upon the death of the other designated beneficiary;

! Have standing to sue for wrongful death of the other designated beneficiary;

! Act as an agent to make, revoke, or object to anatomical gifts involving the other designated beneficiary;

! Direct the disposition of the other designated beneficiary's last remains.

Specifies the requirements for a designated beneficiary agreement. Allows a party to a designated beneficiary agreement to specify which rights and protections are granted through the designated beneficiary agreement.

States that domestic partners or parties in a civil union registered or recognized pursuant to another jurisdiction shall be deemed to have executed a designated beneficiary agreement if the parties otherwise qualify as designated beneficiaries. States that a legal contract pursuant to another jurisdiction's law which is not valid in Colorado pursuant to the state constitutional provision regarding the recognition of marriages shall be treated as a designated beneficiary agreement if the parties qualify to enter into a designated beneficiary agreement and both parties are present or reside in Colorado.

Requires the parties to a designated beneficiary agreement to file the agreement with the clerk and recorder of the county in which one of the parties resides. Allows either party to a designated beneficiary agreement to unilaterally revoke the agreement by filing a document with the clerk and recorder of the county in which the agreement was filed. Declares that a designated beneficiary agreement shall be deemed revoked upon the marriage of either party and, in the case of a common law marriage, as of the date the court determines that a valid common law marriage exists.

Provides that a designated beneficiary agreement is terminated upon the death of either of the parties to the agreement; however, a right or power conferred in the agreement survives the death of the other party. States that a party to a designated beneficiary agreement who survives a
designated beneficiary may enter into a designated beneficiary agreement with a different person.

Makes conforming amendments.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 15, Colorado Revised Statutes, is amended by the addition of a new article to read:

ARTICLE 22

Designated Beneficiary Agreements

15-22-101. Short title. This article shall be known and may be cited as the "Colorado Designated Beneficiary Agreement Act".

15-22-102. Legislative declaration. (1) The General Assembly finds and determines that:

(a) Not all Coloradans are adequately protected by the provisions of the "Colorado Probate Code", articles 10 to 17 of this title, and other provisions of Colorado law. Current state and federal laws present impediments and disincentives for people wishing to avail themselves of the protections of this title.

(b) Beyond legal impediments, people often fail to plan for their own mortality. Studies have found that significant numbers of Americans do not have a valid will, and even fewer have executed powers of attorney or other estate planning documents.

(c) Failure to plan for disability, incapacity, or death places people at the mercy of state laws that may vest the power to act in such situations in persons other than those they
WOULD WISH TO HAVE EXERCISE THOSE POWERS. MANY LACK ACCESS TO LEGAL SERVICES DUE TO THE EXPENSE OF DRAFTING LEGAL INSTRUMENTS AND THE NECESSITY TO KEEP THESE DOCUMENTS CURRENT. THE POWER OF INDIVIDUALS TO CARE FOR ONE ANOTHER AND TAKE ACTION TO BE PERSONALLY RESPONSIBLE FOR THEMSELVES AND THEIR LOVED ONES IS OF TREMENDOUS SOCIETAL BENEFIT, ENABLING SELF-DETERMINATION AND REDUCING RELIANCE ON PUBLIC PROGRAMS AND SERVICES.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

(a) THE PUBLIC POLICY OF THE STATE SHOULD ENCOURAGE RESIDENTS TO EXECUTE APPROPRIATE LEGAL DOCUMENTS TO EFFECTUATE THEIR WISHES;

(b) THE PURPOSES OF THIS ARTICLE ARE TO MAKE EXISTING LAWS RELATING TO HEALTH CARE, MEDICAL EMERGENCIES, INCAPACITY, DEATH, AND ADMINISTRATION OF DECEASED’S ESTATES AVAILABLE TO MORE PERSONS THROUGH A PROCESS OF DOCUMENTING DESIGNATED BENEFICIARY AGREEMENTS; AND

(c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS ARTICLE BE LIBERALLY CONSTRUED TO GIVE EFFECT TO THE PURPOSES STATED IN THIS ARTICLE.

15-22-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DESIGNATED BENEFICIARY" MEANS A PERSON WHO HAS ENTERED INTO A DESIGNATED BENEFICIARY AGREEMENT PURSUANT TO THIS ARTICLE.

(2) "DESIGNATED BENEFICIARY AGREEMENT" MEANS AN AGREEMENT THAT IS ENTERED INTO PURSUANT TO THIS ARTICLE BY TWO PEOPLE FOR THE PURPOSE OF DESIGNATING EACH PERSON AS THE
BENEFICIARY OF THE OTHER PERSON AND FOR THE PURPOSE OF ENSURING THAT EACH PERSON HAS CERTAIN RIGHTS AND FINANCIAL PROTECTIONS BASED UPON THE DESIGNATION.

(3) "SUPERSEDING LEGAL DOCUMENT" MEANS A LEGAL DOCUMENT, REGARDLESS OF THE DATE OF EXECUTION, THAT CONFLICTS WITH ALL OR A PORTION OF A DESIGNATED BENEFICIARY AGREEMENT AND, THEREFORE, CAUSES THE DESIGNATED BENEFICIARY AGREEMENT IN WHOLE OR IN PART TO BE REPLACED OR SET ASIDE. TO THE EXTENT THERE IS A CONFLICT BETWEEN A SUPERSEDING LEGAL DOCUMENT AND A DESIGNATED BENEFICIARY AGREEMENT, THE SUPERSEDING LEGAL DOCUMENT CONTROLS. A SUPERSEDING LEGAL DOCUMENT MAY INCLUDE, BUT NEED NOT BE LIMITED TO, ANY OF THE FOLLOWING:

(a) A WILL;
(b) A CODICIL;
(c) A POWER OF ATTORNEY;
(d) A MEDICAL DURABLE POWER OF ATTORNEY;
(e) A TRUST INSTRUMENT;
(f) A BENEFICIARY DESIGNATION IN AN INSURANCE POLICY OR POLICY OF HEALTH CARE COVERAGE;
(g) A BENEFICIARY DESIGNATION IN A RETIREMENT OR PENSION PLAN;
(h) DECLARATIONS AS TO MEDICAL TREATMENT EXECUTED PURSUANT TO ARTICLE 18 OF THIS TITLE; OR
(i) A MARRIAGE LICENSE.

15-22-104. Requirements for a valid designated beneficiary agreement. (1) A DESIGNATED BENEFICIARY AGREEMENT SHALL BE LEGALLY RECOGNIZED IF:
(a) The parties to the designated beneficiary agreement satisfy all of the following criteria:

(I) Both are at least eighteen years of age;

(II) Both are competent to enter into a contract;

(III) Neither party is married to another person;

(IV) Neither party is a party to another designated beneficiary agreement; and

(V) Both parties enter into the designated beneficiary agreement without force, fraud, or duress; and

(b) The agreement is in substantial compliance with the requirements set forth in this article.

(2) A designated beneficiary agreement is legally sufficient under this article if:

(a) The wording of the designated beneficiary agreement complies substantially with the standard form set forth in section 15-22-106 (1);

(b) The designated beneficiary agreement is properly completed and signed;

(c) The designated beneficiary agreement is notarized; and

(d) The designated beneficiary agreement is filed with a county clerk and recorder as provided in section 15-22-107.

15-22-105. Effects and applicability of a designated beneficiary agreement. (1) A person named as a designated beneficiary in a designated beneficiary agreement shall be entitled to exercise the rights and protections specified in the agreement by virtue of having been so named.
(2) A DESIGNATED BENEFICIARY AGREEMENT THAT IS PROPERLY EXECUTED AND FILED AS PROVIDED IN SECTION 15-22-104 (2) SHALL BE VALID AND LEGALLY ENFORCEABLE IN THE ABSENCE OF A SUPERSEDING LEGAL DOCUMENT THAT CONFLICTS WITH THE PROVISIONS SPECIFIED IN THE DESIGNATED BENEFICIARY AGREEMENT.

(3) A DESIGNATED BENEFICIARY AGREEMENT SHALL ENTITLE THE PARTIES TO EXERCISE THE FOLLOWING RIGHTS AND ENJOY THE FOLLOWING PROTECTIONS, UNLESS SPECIFICALLY EXCLUDED FROM THE DESIGNATED BENEFICIARY AGREEMENT:

(a) The right to acquire, hold title to, own jointly, or transfer inter vivos or at death real or personal property as joint tenants with right of survivorship or as tenants in common;

(b) The right to be designated as a beneficiary, payee, or owner as a trustee named in an inter vivos or testamentary trust for the purposes of a nonprobate transfer on death;

(c) The right to be designated as a beneficiary and recognized as a dependent for the purposes of the following benefits:

(I) Public employees' retirement systems pursuant to articles 51 to 54.6 of title 24, C.R.S.;

(II) Local government firefighter and police pensions;

(III) Insurance policies for life insurance coverage; and

(IV) Health insurance policies or health coverage if the employer of the designated beneficiary elects to provide coverage for designated beneficiaries as dependents;

(d) The right to petition for and have priority for appointment as a conservator, guardian, or personal
REPRESENTATIVE FOR THE OTHER DESIGNATED BENEFICIARY;

e) The right to visitation by the other designated beneficiary in a hospital or in a nursing home;

f) The right to act as a proxy decision-maker or surrogate decision-maker to make medical treatment decisions for the other designated beneficiary pursuant to Section 15-18.5-103 or 15-18.5-104;

g) The right to receive notice of the withholding or withdrawal of life-sustaining procedures for the other designated beneficiary pursuant to Section 15-18-107 and the right to challenge the validity of a declaration as to medical or surgical treatment of the other designated beneficiary pursuant to Section 15-18-107;

h) The right, with respect to the other designated beneficiary, to act as an agent and to make, revoke, or object to anatomical gifts pursuant to the "Revised Uniform Anatomical Gift Act", part 1 of article 34 of title 12, C.R.S.;

i) The right to inherit real or personal property from the other designated beneficiary through intestate succession;

j) The right to have standing to receive benefits pursuant to the "Workers' Compensation Act of Colorado", articles 40 to 47 of title 8, C.R.S., made on behalf of the other designated beneficiary;

k) The right to have standing to sue for wrongful death on behalf of the other designated beneficiary; and

l) The right to direct the disposition of the other designated beneficiary's last remains pursuant to Article 19 of
(4) This article shall not be construed to create any rights, protections, or responsibilities for designated beneficiaries that are not specifically enumerated in the designated beneficiary agreement as authorized in this article.

(5) Execution of a designated beneficiary agreement shall in no way impede the ability of individuals to make specific determinations as to any or all of the matters specified in this article by acting through other superseding legal documents.

15-22-106. Statutory form of a designated beneficiary agreement. (1) The following statutory form shall be the standard form for a designated beneficiary agreement:

DESIGNATED BENEFICIARY AGREEMENT

We, _______________, (INSERT FULL NAME AND ADDRESS) referred to as PARTY A, and _______________, (INSERT FULL NAME AND ADDRESS) referred to as PARTY B, hereby designate each other as the other's designated beneficiary with the following rights and protections, granted or withheld as indicated by our initials:

TO GRANT ONE OR MORE OF THE RIGHTS OR PROTECTIONS SPECIFIED IN THIS FORM, INITIAL THE LINE TO THE LEFT OF EACH RIGHT OR PROTECTION YOU ARE GRANTING. TO WITHHOLD A RIGHT OR PROTECTION, INITIAL THE LINE TO THE RIGHT OF EACH RIGHT OR PROTECTION YOU ARE WITHHOLDING.

TO GRANT A RIGHT TO WITHHOLD A RIGHT OR PROTECTION OR PROTECTION
1 INITIAL
2 PARTY A  PARTY B
3 ___ ___ THE RIGHT TO ACQUIRE, HOLD TITLE TO, OWN ___ ___
4 ___ ___ JOINTLY, OR TRANSFER INTER VIVOS OR AT ___ ___
5 ___ ___ DEATH REAL OR PERSONAL PROPERTY AS A ___ ___
6 ___ ___ JOINT TENANT WITH ME WITH RIGHT OF ___ ___
7 ___ ___ SURVIVORSHIP OR AS A TENANT IN COMMON ___ ___
8 ___ ___ WITH ME;
9 ___ ___ THE RIGHT TO BE DESIGNATED BY ME AS A ___ ___
10 ___ ___ BENEFICIARY, PAYEE, OR OWNER AS A ___ ___
11 ___ ___ TRUSTEE NAMED IN AN INTER VIVOS OR ___ ___
12 ___ ___ TESTAMENTARY TRUST FOR THE PURPOSES OF ___ ___
13 ___ ___ A NONPROBATE TRANSFER ON DEATH;
14 ___ ___ THE RIGHT TO BE DESIGNATED BY ME AS A ___ ___
15 ___ ___ BENEFICIARY AND RECOGNIZED AS A ___ ___
16 ___ ___ DEPENDENT IN AN INSURANCE POLICY FOR ___ ___
17 ___ ___ LIFE INSURANCE ;
18 ___ ___ THE RIGHT TO BE DESIGNATED BY ME AS A ___ ___
19 ___ ___ BENEFICIARY AND RECOGNIZED AS A ___ ___
20 ___ ___ DEPENDENT IN A HEALTH INSURANCE POLICY ___ ___
21 ___ ___ IF MY EMPLOYER ELECTS TO PROVIDE HEALTH ___ ___
22 ___ ___ INSURANCE COVERAGE FOR DESIGNATED ___ ___
23 ___ ___ BENEFICIARIES;
24 ___ ___ THE RIGHT TO BE DESIGNATED BY ME AS A ___ ___
25 ___ ___ BENEFICIARY IN A RETIREMENT OR PENSION ___ ___
26 ___ ___ PLAN;
27 ___ ___ THE RIGHT TO PETITION FOR AND HAVE ___ ___
PRIORITY FOR APPOINTMENT AS A CONSERVATOR, GUARDIAN, OR PERSONAL REPRESENTATIVE FOR ME;

__ __ THE RIGHT TO VISIT ME IN A HOSPITAL OR IN A NURSING HOME;

__ __ THE RIGHT TO ACT AS A PROXY DECISION-MAKER OR SURROGATE DECISION-MAKER TO MAKE MEDICAL TREATMENT DECISIONS FOR ME PURSUANT TO SECTION 15-18.5-103 OR 15-18.5-104, COLORADO REVISED STATUTES;

__ __ THE RIGHT TO NOTICE OF THE WITHHOLDING OR WITHDRAWAL OF LIFE-SUSTAINING PROCEDURES FOR ME PURSUANT TO SECTION 15-18-107, COLORADO REVISED STATUTES;

__ __ THE RIGHT TO CHALLENGE THE VALIDITY OF A DECLARATION AS TO MEDICAL OR SURGICAL TREATMENT OF ME PURSUANT TO SECTION 15-18-107, COLORADO REVISED STATUTES;

__ __ THE RIGHT TO ACT AS MY AGENT TO MAKE, REVOKE, OR OBJECT TO ANATOMICAL GIFTS INVOLVING MY PERSON PURSUANT TO THE "REVISED UNIFORM ANATOMICAL GIFT ACT", PART 1 OF ARTICLE 34 OF TITLE 12, COLORADO REVISED STATUTES;

__ __ THE RIGHT TO INHERIT REAL OR PERSONAL PROPERTY FROM ME THROUGH INTESTATE
SUCCESSION;

THE RIGHT TO HAVE STANDING TO RECEIVE

benefits pursuant to the "Workers'
Compensation Act of Colorado",
article 40 of title 8, Colorado Revised
Statutes, in the event of my injury or
death on the job;

THE RIGHT TO HAVE STANDING TO SUE FOR

wrongful death in the event of my
death; and

THE RIGHT TO DIRECT THE DISPOSITION OF

my last remains pursuant to article 19
of title 15, Colorado Revised Statutes.

This designated beneficiary agreement is effective
upon filing and registration with the county clerk
and recorder of the county in which one of the
designated beneficiaries resides. This designated
beneficiary agreement will continue in effect until
one of the designated beneficiaries revokes this
agreement by filing a revocation of designated
beneficiary form with the county clerk and
recorder of the county in which this agreement was
filed or until this agreement is superseded in part or
in whole by a superseding legal document.

______________________  __________________________
SIGNATURE OF DESIGNATED BENEFICIARY  SIGNATURE OF DESIGNATED BENEFICIARY

STATE OF COLORADO
COUNTY OF ______________

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME ON ___________ DATE

BY

________________________

MY COMMISSION EXPIRES ______________

[Seal]

______________________________

NOTARY PUBLIC

(2) A DESIGNATED BENEFICIARY AGREEMENT SHALL BE PRESUMED TO EXTEND ALL OF THE RIGHTS AND PROTECTIONS LISTED IN THE STATUTORY FORM UNLESS THE PARTIES TO THE AGREEMENT EXPLICITLY EXCLUDE A RIGHT OR PROTECTION.

(3) A PARTY TO A DESIGNATED BENEFICIARY AGREEMENT MAY LIMIT THE SCOPE OF A DESIGNATED BENEFICIARY AGREEMENT BY THE TERMS OF THE AGREEMENT OR BY EXECUTING A SUPERSEDING LEGAL DOCUMENT THAT CONTROLS AND SUPERSEDES PART OR ALL OF THE DESIGNATED BENEFICIARY AGREEMENT.

BENEFICIARY AGREEMENT IN THAT COUNTY AND FOR ISSUING TWO
CERTIFIED COPIES OF THE DESIGNATED BENEFICIARY AGREEMENT THAT
INDICATE THE DATE AND TIME OF FILING WITH THE COUNTY. ALL FEES
COLLECTED BY THE COUNTY CLERK AND RECORDER SHALL BE DEPOSITED
IN THE COUNTY CLERK'S FEE FUND MAINTAINED AS REQUIRED IN SECTION
30-1-119, C.R.S.

(2) THE CLERK AND RECORDER OF THE COUNTY SHALL HAVE THE
FOLLOWING DUTIES:

(a) TO MAKE AVAILABLE, UPON REQUEST, COPIES OF THE
STATUTORY FORMS AS PRESCRIBED IN SECTIONS 15-22-106 AND
15-22-112;

(b) TO INDICATE ON THE DESIGNATED BENEFICIARY AGREEMENT
OR A REVOCATION OF A DESIGNATED BENEFICIARY AGREEMENT THE DATE
AND TIME THAT IT IS FILED WITH THE CLERK AND RECORDER;

(c) TO ISSUE TWO CERTIFIED COPIES OF THE FILED DESIGNATED
BENEFICIARY AGREEMENT THAT INDICATE THE DATE AND TIME OF THE
FILING;

(d) TO ISSUE REPLACEMENT CERTIFIED COPIES OF A DESIGNATED
BENEFICIARY AGREEMENT OR A REVOCATION OF A DESIGNATED
BENEFICIARY AGREEMENT UPON PAYMENT OF A REPLACEMENT FEE.

(3) DESIGNATED BENEFICIARY AGREEMENTS AND REVOCATIONS OF
DESIGNATED BENEFICIARY AGREEMENTS SHALL BE CONSIDERED OPEN
RECORDS FOR PURPOSES OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

15-22-108. Designated beneficiary agreement - effect on other
legal documents. EXECUTION OF A DESIGNATED BENEFICIARY
AGREEMENT SHALL NOT CONSTITUTE EVIDENCE OF AN INTENT TO REVOKE
A PRIOR WILL OR CODICIL NOR SHALL IT AFFECT ANY TRANSFER OR
BEQUEST CONTAINED IN ANY OTHER LEGAL DOCUMENTS.


(1) DOMESTIC PARTNERS OR PARTIES IN A CIVIL UNION REGISTERED OR RECOGNIZED PURSUANT TO ANOTHER JURISDICTION'S LAWS SHALL BE DEEMED TO HAVE EXECUTED A DESIGNATED BENEFICIARY AGREEMENT IF THE PARTIES OTHERWISE QUALIFY AS DESIGNATED BENEFICIARIES PURSUANT TO SECTION 15-22-104. THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO DOMESTIC PARTNERS OR PARTIES IN A CIVIL UNION FROM ANOTHER JURISDICTION WHO DO NOT QUALIFY TO BECOME DESIGNATED BENEFICIARIES.

(2) A LEGAL CONTRACT PURSUANT TO ANOTHER JURISDICTION'S LAWS THAT IS NOT VALID IN THIS STATE PURSUANT TO SECTION 31 OF ARTICLE II OF THE STATE CONSTITUTION SHALL BE TREATED AS A DESIGNATED BENEFICIARY AGREEMENT IF:

(a) THE PARTIES QUALIFY TO ENTER INTO A DESIGNATED BENEFICIARY AGREEMENT PURSUANT TO SECTION 15-22-104; AND

(b) BOTH PARTIES ARE PRESENT OR RESIDE IN THIS STATE.

15-22-110. Affirmation of validity of designated beneficiary agreement. A PERSON EXERCISING RIGHTS OR PROTECTIONS PURSUANT TO A DESIGNATED BENEFICIARY AGREEMENT SHALL AFFIRM THE VALIDITY OF A DESIGNATED BENEFICIARY AGREEMENT AND DISCLOSE ANY KNOWLEDGE OF ANY SUPERSEDING LEGAL DOCUMENTS.

15-22-111. Reliance - immunity. A THIRD PARTY WHO ACTS IN GOOD FAITH RELIANCE ON THE AFFIRMATION OF THE EXISTENCE OF A VALID DESIGNATED BENEFICIARY AGREEMENT SHALL NOT BE SUBJECT TO CIVIL LIABILITY OR ADMINISTRATIVE DISCIPLINE FOR SUCH RELIANCE.

15-22-112. Revocation of a designated beneficiary agreement.
(1) A DESIGNATED BENEFICIARY AGREEMENT THAT HAS BEEN FILED WITH
A COUNTY CLERK AND RECORDER MAY BE UNILATERALLY REVOKED BY
EITHER PARTY TO THE AGREEMENT BY FILING A REVOCATION WITH THE
CLERK AND RECORDER OF THE COUNTY IN WHICH THE AGREEMENT WAS
FILED. A REVOCATION SHALL BE DATED, SIGNED, AND NOTARIZED. THE
REVOCATION SHALL BE EFFECTIVE ON THE DATE AND TIME OF THE FILING
OF THE REVOCATION. THE CLERK AND RECORDER SHALL ISSUE A
CERTIFIED COPY TO THE PARTY FILING THE REVOCATION AND SHALL MAIL
A CERTIFIED COPY OF THE REVOCATION TO THE LAST-KNOWN ADDRESS OF
THE OTHER PARTY TO THE DESIGNATED BENEFICIARY AGREEMENT.

(2) THE COUNTY CLERK AND RECORDER SHALL ASSESS A _____
DOLLAR FEE FOR FILING A REVOCATION AGREEMENT AND ISSUING TWO
CERTIFIED COPIES OF THE REVOCATION AGREEMENT. THE FEES COLLECTED
BY THE CLERK AND RECORDER SHALL BE DEPOSITED IN THE COUNTY
CLERK'S FEE FUND MAINTAINED AS REQUIRED IN SECTION 30-1-119, C.R.S.

(3) A DESIGNATED BENEFICIARY AGREEMENT SHALL BE DEEMED
REVOKED UPON THE MARRIAGE OF EITHER PARTY. IN THE CASE OF A
COMMON LAW MARRIAGE, A DESIGNATED BENEFICIARY AGREEMENT SHALL
BE DEEMED REVOKED AS OF THE DATE THE COURT DETERMINES THAT A
VALID COMMON LAW MARRIAGE EXISTS.

(4) THE FOLLOWING STATUTORY FORM SHALL BE THE STANDARD
FORM FOR A REVOCATION OF A DESIGNATED BENEFICIARY AGREEMENT:

REVOCATION
OF DESIGNATED BENEFICIARY AGREEMENT
I ____________________ (INSERT YOUR FULL NAME), RESIDE AT _____
(INSERT YOUR CURRENT ADDRESS) AND I ENTERED INTO A DESIGNATED
BENEFICIARY AGREEMENT ON ______ (INSERT THE DATE) WITH THE
FOLLOWING PERSON __________ (INSERT THE OTHER PERSON'S NAME) 

WHOSE LAST KNOWN ADDRESS IS _____________________ IN WHICH I 

designated such person as a designated beneficiary. This 
designated beneficiary agreement was filed on _____ (INSERT THE 
DATE) IN THE COUNTY OF ______________. I HEREBY REVOKE THAT 
DESIGNATED BENEFICIARY AGREEMENT, EFFECTIVE ON THE DATE AND 
time of the filing of this revocation with the clerk and recorder 
of ______________ COUNTY.

______________________________   ______________

Name                  Date

STATE OF COLORADO

COUNTY OF ______________

This document was acknowledged before me on ___________ date

by

______________________________

My commission expires ______________

[Seal]

________________________________________

Notary Public

This revocation of beneficiary agreement was filed in my

office on __________, _____, at __________ o'clock, and, pursuant 
to section 15-22-122, Colorado Revised Statutes, I mailed a copy 
of this revocation of beneficiary agreement to ______________
at the address contained in this revocation of beneficiary 
agreement.

Clerk and Recorder of

_________________________ County

(2) A PARTY TO A DESIGNATED BENEFICIARY AGREEMENT WHO SURVIVES A DESIGNATED BENEFICIARY MAY ENTER INTO A DESIGNATED BENEFICIARY AGREEMENT WITH A DIFFERENT PERSON SO LONG AS IT MEETS THE REQUIREMENTS OF THIS ARTICLE.

SECTION 2. 8-41-501 (1), Colorado Revised Statutes, is amended to read:

8-41-501. Persons presumed wholly dependent. (1) For the purposes of articles 40 to 47 of this title, the following described persons shall be presumed to be wholly dependent (however, such presumption may be rebutted by competent evidence):

(a) Widow or widower, unless it is shown that she or he was voluntarily separated and living apart from the spouse at the time of the injury or death or was not dependent in whole or in part on the deceased for support;

(a.5) A PERSON WHO IS DESIGNATED IN A DESIGNATED BENEFICIARY AGREEMENT FOR PURPOSES OF RECEIVING WORKERS' COMPENSATION BENEFITS IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 22 OF TITLE 15, C.R.S., UNLESS IT IS SHOWN THAT THE DESIGNATED BENEFICIARY WAS VOLUNTARILY SEPARATED AND LIVING
APART FROM THE OTHER DESIGNATED BENEFICIARY AT THE TIME OF THE
INJURY OR DEATH OR WAS NOT DEPENDENT IN WHOLE OR IN PART ON THE
DECEASED FOR SUPPORT;

(b) Minor children of the deceased under the age of eighteen
years, including posthumous or legally adopted children;

(c) Minor children of the deceased who are eighteen years or over
and under the age of twenty-one years if it is shown that:

(I) At the time of the decedent's death they were actually
dependent upon the deceased for support; and

(II) Either at the time of the decedent's death or at the time they
attained the age of eighteen years they were engaged in courses of study
as full-time students at any accredited school. The period of presumed
dependency of such persons shall continue until they attain the age of
twenty-one years or until they cease to be engaged in courses of study as
full-time students at an accredited school, whichever occurs first.

SECTION 3. 10-16-102 (14) and (26) (d), Colorado Revised
Statutes, are amended to read:

10-16-102. Definitions. As used in this article, unless the context
otherwise requires:

(14) "Dependent" means a spouse, an unmarried child under
nineteen years of age, an unmarried child who is a full-time student under
twenty-four years of age and who is financially dependent upon the
parent, and an unmarried child of any age who is medically certified as
disabled and dependent upon the parent. "DEPENDENT" SHALL INCLUDE
A DESIGNATED BENEFICIARY, AS DEFINED IN SECTION 15-22-103 (1),
C.R.S., IF AN EMPLOYER ELECTS TO COVER A DESIGNATED BENEFICIARY AS
A DEPENDENT.
(26) "Late enrollee" means an eligible employee or dependent who requests enrollment in a group health benefit plan following the initial enrollment period for which such individual is entitled to enroll under the terms of the health benefit plan, if such initial enrollment period is a period of at least thirty days. An eligible employee or dependent shall not be considered a late enrollee if:

(d) (I) A person becomes a dependent of a covered person through marriage, birth, adoption, or placement for adoption and requests enrollment no later than thirty days after becoming such a dependent. In such case, coverage shall commence on the date the person becomes a dependent if a request for enrollment is received in a timely fashion before such date.

(II) A PERSON WHO BECOMES A DEPENDENT OF A COVERED PERSON THROUGH A DESIGNATED BENEFICIARY AGREEMENT PURSUANT TO ARTICLE 22 OF TITLE 15, C.R.S., REQUESTS ENROLLMENT NO LATER THAN THIRTY DAYS AFTER BECOMING SUCH A DEPENDENT, AND THE EMPLOYER OF THE COVERED PERSON ELECTS TO COVER DESIGNATED BENEFICIARIES AS DEPENDENTS. IN SUCH CASE, COVERAGE SHALL COMMENCE ON THE DATE THE PERSON BECOMES A DEPENDENT IF A REQUEST FOR ENROLLMENT IS RECEIVED IN A TIMELY FASHION BEFORE SAID DATE.

SECTION 4. 10-16-105 (7.2) (c), Colorado Revised Statutes, is amended to read:

10-16-105. Small group sickness and accident insurance - guaranteed issue - mandated provisions for basic health benefit plans - rules - benefit design advisory committee - repeal. (7.2) The commissioner shall promulgate rules to implement a basic health benefit plan and a standard health benefit plan to be offered by each small
employer carrier as a condition of transacting business in this state. The commissioner shall survey small group carriers annually to determine the range of health benefit plans available. The commissioner shall implement a basic plan that approximates the lowest level of coverage offered in small group health benefit plans. A basic health benefit plan may be based on the latest medical evidence. The commissioner shall implement a standard plan that approximates the average level of coverage offered in small group health benefit plans. In determining levels of coverage, the commissioner shall consider factors such as coinsurance, copayments, deductibles, out-of-pocket maximums, and covered benefits. The commissioner shall amend the rules as necessary to implement the basic and standard health benefit plans. The rules shall be in conformity with article 4 of title 24, C.R.S., and shall incorporate the following standard health benefit plan design described in paragraph (a) of this subsection (7.2) and the various options for the basic health benefit plan design described in paragraph (b) of this subsection (7.2):

(c) Notwithstanding any provision of law to the contrary, a small employer carrier may offer and a small employer may accept or reject coverage for employees' domestic partners and their dependents OR FOR EMPLOYEES' DESIGNATED BENEFICIARIES AND THEIR DEPENDENTS under a standard or basic health benefit plan.

SECTION 5. 12-34-109 (a), Colorado Revised Statutes, is amended to read:

12-34-109. Who may make anatomical gift of decedent's body or part. (a) Subject to subsections (b) and (c) of this section and unless barred by section 12-34-107 or 12-34-108, an anatomical gift of a decedent's body or part for purpose of transplantation, therapy, research,
or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(1) An agent of the decedent at the time of death who could have made an anatomical gift under section 12-34-104 (2) immediately before the decedent's death;

(2) The spouse of the decedent;

(2.5) A person who is designated by the decedent as a designated beneficiary in a designated beneficiary agreement pursuant to article 22 of title 15, C.R.S., with the right to be an agent to make, revoke, or object to anatomical gifts of the decedent;

(3) Adult children of the decedent;

(4) Parents of the decedent;

(5) Adult siblings of the decedent;

(6) Adult grandchildren of the decedent;

(7) Grandparents of the decedent;

(8) An adult who exhibited special care and concern for the decedent;

(9) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(10) Any other person having the authority to dispose of the decedent's body.

SECTION 6. 13-21-201 (1), Colorado Revised Statutes, is amended to read:

**13-21-201. Damages for death.** (1) When any person dies from any injury resulting from or occasioned by the negligence, unskillfulness, or criminal intent of any officer, agent, servant, or employee while
running, conducting, or managing any locomotive, car, or train of cars, or
of any driver of any coach or other conveyance operated for the purpose
of carrying either freight or passengers for hire while in charge of the
same as a driver, and when any passenger dies from an injury resulting
from or occasioned by any defect or insufficiency in any railroad or any
part thereof, or in any locomotive or car, or other conveyance operated for
the purpose of carrying either freight or passengers for hire, the
 corporation or individuals in whose employ any such officer, agent,
servant, employee, master, pilot, engineer, or driver is at the time such
injury is committed, or who owns any such railroad, locomotive, car, or
other conveyance operated for the purpose of carrying either freight or
passengers for hire at the time any such injury is received, and resulting
from or occasioned by the defect or insufficiency above described shall
forfeit and pay for every person and passenger so injured the sum of not
exceeding ten thousand dollars and not less than three thousand dollars,
which may be sued for and recovered:

(a) In the first year after such death:
   (I) By the spouse of the deceased;
   (II) Upon the written election of the spouse, by the spouse and the
        heir or heirs of the deceased;
   (III) Upon the written election of the spouse, by the heir or heirs
        of the deceased; or
   (IV) If there is no spouse, by the DESIGNATED BENEFICIARY, IF
        THERE IS ONE DESIGNATED PURSUANT TO ARTICLE 22 OF TITLE 15, C.R.S.,
        WITH THE RIGHT TO BRING AN ACTION PURSUANT TO THIS SECTION, AND IF
        THERE IS NO DESIGNATED BENEFICIARY, BY THE heir or heirs of the
dead.
(b) (I) In the second year after such death:

(A) By the spouse of the deceased;

(A.5) By the designated beneficiary of the deceased if there is one designated pursuant to Article 22 of Title 15, C.R.S., with the right to bring an action pursuant to this section;

(B) By the heir or heirs of the deceased; or

(C) By the spouse and the heir or heirs of the deceased.

(II) However, if the heir or heirs of the deceased commence an action under the provisions of sub-subparagraph (B) of subparagraph (I) of this paragraph (b), the spouse, upon motion filed within ninety days after service of written notice of the commencement of the action upon him, shall be allowed to join the action as a party plaintiff.

(c) (I) If the deceased is an unmarried minor without descendants or an unmarried adult without descendants AND WITHOUT A DESIGNATED BENEFICIARY PURSUANT TO ARTICLE 22 OF TITLE 15, C.R.S., by the father or mother who may join in the suit. Except as provided in subparagraphs (II) and (III) of this paragraph (c), the father and mother shall have an equal interest in the judgment, or if either of them is dead, then the surviving parent shall have an exclusive interest in the judgment.

(II) For cases in which the father and mother are divorced, separated, or living apart, a motion may be filed by either the father or the mother prior to trial requesting the court to apportion fairly any judgment awarded in the case. Where such a motion is filed, the court shall conduct a post-judgment hearing at which the father and the mother shall have the opportunity to be heard and to produce evidence regarding each parent’s relationship with the deceased child.

(III) On conclusion of the post-judgment hearing conducted
pursuant to subparagraph (II) of this paragraph (c), the court shall fairly
determine the percentage of the judgment to be awarded to each parent.
In making such a determination, the court shall consider each parent's
relationship with the deceased, including custody, control, support,
parental responsibility, and any other factors the court deems pertinent.
The court's determination of the percentage of the judgment awarded to
each parent shall not be disturbed absent an abuse of discretion.
(d) For purposes of this section, "father or mother" means a
natural parent of the deceased or a parent of the deceased by adoption.
"Father or mother" does not include a person whose parental rights
concerning the deceased were terminated pursuant to the provisions of
title 19, C.R.S.

SECTION 7. 15-11-103, Colorado Revised Statutes, is amended
to read:

15-11-103. Share of heirs other than surviving spouse. Any
part of the intestate estate not passing to the decedent's surviving spouse
under section 15-11-102, or the entire intestate estate if there is no
surviving spouse, passes in the following order to the individuals
designated who survive the decedent:

(1) To a designated beneficiary who was designated by the
decedent to be his or her designated beneficiary for purposes of
intestate succession pursuant to a designated beneficiary
agreement that has been executed and filed with a county clerk
and recorder as provided in article 22 of this title;

(1) (2) To the decedent's descendants per capita at each
generation;

(2) (3) If there is no surviving descendant, to the decedent's
parents equally if both survive, or to the decedent's surviving parent;

(4) If there is no surviving descendant or surviving parent, to the surviving descendants of the decedent's parents or either of them per capita at each generation;

(5) If there is no surviving descendant, surviving parent, or surviving descendant of a parent, to the decedent's surviving grandparents, or any of them, in equal shares;

(6) If there is no surviving descendant, surviving parent, surviving descendant of a parent, or surviving grandparent, to the surviving descendants of the decedent's grandparents per capita at each generation;

(7) If there is no surviving heir under subsections (1) to (5) of this section, and if a birth child or birth children file a claim for inheritance with the court having probate jurisdiction for the decedent's estate within ninety days of decedent's death, to the decedent's surviving birth child or children per capita at each generation. For purposes of this subsection (7), the term "birth child" means a child who was born to, but adopted away from, his or her natural parent.

(8) If there is no surviving heir or birth child under subsections (1) to (6) of this section, and if a birth parent or birth parents file a claim for inheritance with the court having probate jurisdiction for the decedent's estate within ninety days of decedent's death, to the decedent's birth parents equally if both survive, or to the surviving birth parent. For purposes of this subsection (8), the term "birth parent" means the natural parent of a child who was born to, but adopted away from, the natural parent.

SECTION 8. 15-11-106 (2) and (3), Colorado Revised Statutes,
are amended to read:

15-11-106. Per capita at each generation. (2) Decedent's descendants. If, under section 15-11-103 (1) (2), a decedent's intestate estate or a part thereof passes "per capita at each generation" to the decedent's descendants, the estate or part thereof is divided into as many equal shares as there are (i) surviving descendants in the generation nearest to the decedent which contains one or more surviving descendants and (ii) deceased descendants in the same generation who left surviving descendants, if any. Each surviving descendant in the nearest generation is allocated one share. The remaining shares, if any, are combined and then divided in the same manner among the surviving descendants of the deceased descendants as if the surviving descendants who are allocated a share and their surviving descendants had predeceased the decedent.

(3) Descendants of parents or grandparents. If, under section 15-11-103 (3) (4) or (5) (6), a decedent's intestate estate or a part thereof passes "per capita at each generation" to the descendants of the decedent's deceased parents or either of them, or to the descendants of the decedent's deceased grandparents or any of them, the estate or part thereof is divided into as many equal shares as there are (i) surviving descendants in the generation nearest to the deceased parents or either of them, or the deceased grandparents or any of them, that contains one or more surviving descendants and (ii) deceased descendants in the same generation who left surviving descendants, if any. Each surviving descendant in the nearest generation is allocated one share. The remaining shares, if any, are combined and then divided in the same manner among the surviving descendants of the deceased descendants as if the surviving descendants who were allocated a share and their...
surviving descendants had predeceased the decedent.

SECTION 9. 15-11-114 (2), Colorado Revised Statutes, is amended to read:

15-11-114. Parent and child relationship. (2) For purposes of intestate succession by, through, or from a person, an adopted individual is the child of his or her adopting parent or parents and not of his or her birth parents, except for inheritance rights as specified in section 15-11-103 (6) and (7) AND (8), but the adoption of a child by the spouse of either birth parent has no effect on the relationship between the child and the birth parent whose spouse has adopted the child.

SECTION 10. 15-12-203 (1), Colorado Revised Statutes, is amended to read:

15-12-203. Priority among persons seeking appointment as personal representative. (1) Whether the proceedings are formal or informal, persons who are not disqualified have priority for appointment in the following order:

(a) The person with priority as determined by a probated will including a person nominated by a power conferred in a will;

(b) The surviving spouse of the decedent who is a devisee of the decedent;

(b.5) A PERSON NOMINATED TO BE A PERSONAL REPRESENTATIVE BY A POWER CONFERRED IN A DESIGNATED BENEFICIARY AGREEMENT;

(c) Other devisees of the decedent;

(d) The surviving spouse of the decedent;

(e) Other heirs of the decedent;

(f) Forty-five days after the death of the decedent, any creditor.

SECTION 11. 15-14-310 (1), Colorado Revised Statutes, is
amended to read:

15-14-310. Who may be guardian - priorities - prohibition of dual roles. (1) Subject to subsection (4) of this section, the court in appointing a guardian shall consider persons otherwise qualified in the following order of priority:

(a) A guardian, other than a temporary or emergency guardian, currently acting for the respondent in this state or elsewhere;

(b) A person nominated as guardian by the respondent, including the respondent's specific nomination of a guardian made in a durable power of attorney OR IN A DESIGNATED BENEFICIARY AGREEMENT MADE PURSUANT TO ARTICLE 22 OF THIS TITLE;

(c) An agent appointed by the respondent under a medical durable power of attorney pursuant to section 15-14-506;

(d) An agent appointed by the respondent under a general durable power of attorney;

(e) The spouse of the respondent or a person nominated by will or other signed writing of a deceased spouse;

(f) An adult child of the respondent;

(g) A parent of the respondent or an individual nominated by will or other signed writing of a deceased parent; and

(h) An adult with whom the respondent has resided for more than six months immediately before the filing of the petition.

SECTION 12. 15-14-413 (1), Colorado Revised Statutes, is amended to read:

15-14-413. Who may be conservator - priorities - prohibition of dual roles. (1) Except as otherwise provided in subsection (4) of this section, the court, in appointing a conservator, shall consider persons
otherwise qualified in the following order of priority:

(a) A conservator, guardian of the estate, or other like fiduciary appointed or recognized by an appropriate court of any other jurisdiction in which the protected person resides;

(b) A person nominated as conservator by the respondent, including the respondent's specific nomination of a conservator made in a durable power of attorney OR IN A DESIGNATED BENEFICIARY AGREEMENT PURSUANT TO ARTICLE 22 OF THIS TITLE, if the respondent has attained twelve years of age;

(c) An agent appointed by the respondent to manage the respondent's property under a durable power of attorney;

(d) The spouse of the respondent;

(e) An adult child of the respondent;

(f) A parent of the respondent; and

(g) An adult with whom the respondent has resided for more than six months immediately before the filing of the petition.

SECTION 13. 15-18.5-103 (1), Colorado Revised Statutes, is amended to read:

15-18.5-103. Proxy decision-makers for medical treatment authorized. (1) A health care provider or health care facility may rely, in good faith, upon the medical treatment decision of a proxy decision-maker selected in accordance with subsection (4) of this section if an adult patient's attending physician determines that such patient lacks the decisional capacity to provide informed consent to or refusal of medical treatment and no guardian with medical decision-making authority, agent appointed in a medical durable power of attorney, PERSON DESIGNATED AS A DESIGNATED BENEFICIARY WITH THE RIGHT TO
ACT AS A PROXY DECISION-MAKER PURSUANT TO ARTICLE 22 OF THIS TITLE, or other known person has the legal authority to provide such consent or refusal on the patient's behalf.

SECTION 14. 15-18.5-104 (1), Colorado Revised Statutes, is amended to read:

15-18.5-104. Surrogate decision-makers for health care benefits. (1) A proxy decision-maker for medical treatment selected in accordance with section 15-18.5-103 OR A PERSON DESIGNATED AS A DESIGNATED BENEFICIARY WITH THE RIGHT TO ACT AS A SURROGATE DECISION-MAKER PURSUANT TO ARTICLE 22 OF THIS TITLE shall have authority to make health care benefit decisions on behalf of an adult patient and may be known additionally as a surrogate decision-maker for health care benefits.

SECTION 15. 15-19-103 (3) and (4), Colorado Revised Statutes, are amended to read:

15-19-103. Definitions. As used in this article, unless the context otherwise requires:

(3) "Declaration" means a written instrument directing the lawful disposition of the declarant's last remains and the ceremonies planned after a declarant's death, in accordance with this article. A declaration may be made within a will; prepaid funeral, burial, or cremation contract; durable or medical power of attorney; A DESIGNATED BENEFICIARY AGREEMENT AS DESCRIBED IN ARTICLE 22 OF THIS TITLE; or any other written document, including, but not limited to, a document governing the disposition of last remains under part 7 of article 11 of this title.

(4) "Interested person" means the deceased's spouse, parent, DESIGNATED BENEFICIARY, adult child, sibling, grandchild, and other
person designated in a declaration.

SECTION 16. 15-19-106 (1), Colorado Revised Statutes, is amended to read:

15-19-106. Right to dispose of remains. (1) Subject to section 15-19-105 (2), the right to control disposition of the last remains or ceremonial arrangements of a decedent vests in and devolves upon the following persons, at the time of the decedent's death, in the following order:

(a) The decedent if acting through a declaration pursuant to section 15-19-104;

(b) (I) Either the appointed personal representative or special administrator of the decedent's estate if such person has been appointed; or

(II) The nominee for appointment as personal representative under the decedent's will if a personal representative or special administrator has not been appointed;

(c) The surviving spouse of the decedent, if not legally separated from the decedent;

(c.5) A DESIGNATED BENEFICIARY WHO WAS DESIGNATED IN A DESIGNATED BENEFICIARY AGREEMENT PURSUANT TO ARTICLE 22 OF THIS TITLE AS HAVING THE RIGHT TO DIRECT THE DISPOSITION OF THE DECEDEY'S LAST REMAINS;

(d) A majority of the surviving adult children of the decedent;

(e) A majority of the surviving parents or legal guardians of the decedent, who shall act in writing;

(f) A majority of the surviving adult siblings of the decedent;

(g) (Deleted by amendment, L. 2006, p. 900, § 5, effective August
(h) Any person who is willing to assume legal and financial responsibility for the final disposition of the decedent's last remains.

**SECTION 17.** 30-1-103 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

30-1-103. Fees of county clerk and recorders. (2) In cities and counties and in every county, the following fees shall apply:

(n) FOR FILING EACH DESIGNATED BENEFICIARY AGREEMENT, AN AMOUNT DETERMINED PURSUANT TO SECTION 15-22-107 (1), C.R.S.;

(o) FOR FILING EACH REVOCATION OF A DESIGNATED BENEFICIARY AGREEMENT, AN AMOUNT DETERMINED PURSUANT TO SECTION 15-22-112, C.R.S.

**SECTION 18. Effective date.** This act shall take effect July 1, 2009.

**SECTION 19. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.