

1 AMENDMENT TO HOUSE BILL 1080

2 AMENDMENT NO. _____. Amend House Bill 1080 by replacing
3 the title with the following:

4 "AN ACT concerning trust and payable on death accounts.;"
5 and

6 by replacing everything after the enacting clause with the
7 following:

8 "Section 5. The Illinois Trust and Payable on Death
9 Accounts Act is amended by changing Sections 3 and 4 as
10 follows:

11 (205 ILCS 625/3) (from Ch. 17, par. 2133)

12 Sec. 3. Trust account incidents. If one or more persons
13 opening or holding an account sign an agreement with the
14 institution providing that the account shall be held in the
15 name of a person or persons designated as trustee or trustees
16 for one or more persons designated as a beneficiary or
17 beneficiaries, the account and any balance therein which
18 exists from time to time shall be held as a trust account and
19 unless otherwise agreed in writing between the person or
20 persons opening or holding the account and the institution:

21 (a) If two or more persons are designated trustees of

1 the account, as between them they shall hold the account and
2 all balances therein which exist from time to time as joint
3 tenants with right of survivorship and not as tenants in
4 common;

5 (b) Any trustee during his or her lifetime may change
6 any of the designated beneficiaries without the knowledge or
7 consent of the other trustees or the beneficiaries by a
8 written instrument accepted by the institution;

9 (c) Any trustee may make additional deposits to and
10 withdraw any part or all of the account at any time without
11 the knowledge or consent of the other trustees or the
12 beneficiaries, subject to the bylaws and regulations of the
13 institution, and all withdrawals shall constitute a
14 revocation of the agreement as to the amount withdrawn; and

15 (d) Upon the death of the last surviving trustee the
16 person designated as the beneficiary who is then living shall
17 be the sole holder of the account, unless more than one
18 beneficiary is named and then living in which case said
19 beneficiaries shall hold the account in equal shares as
20 tenants in common. If no beneficiary is then living, the
21 proceeds shall vest in the estate of the last surviving
22 trustee. For purposes of this Section, a beneficiary may
23 include a natural person, a charitable organization, a
24 corporation, a partnership, a joint venture, a trust, an
25 estate, or an unincorporated association, and if the
26 beneficiary is other than a natural person it shall be deemed
27 to be "living" at the time of the death of the last surviving
28 trustee if it exists under the applicable law at that time.

29 (Source: P.A. 84-461.)

30 (205 ILCS 625/4) (from Ch. 17, par. 2134)

31 Sec. 4. Payable on Death Account Incidents. If one or
32 more persons opening or holding an account sign an agreement
33 with the institution providing that on the death of the last

1 surviving person designated as holder the account shall be
2 paid to or held by another person or persons, the account,
3 and any balance therein which exists from time to time, shall
4 be held as a payment on death account and unless otherwise
5 agreed in writing between the person or persons opening or
6 holding the account and the institution:

7 (a) Any holder during his or her lifetime may change any
8 of the designated persons to own the account at the death of
9 the last surviving holder without the knowledge or consent of
10 any other holder or the designated persons by a written
11 instrument accepted by the institution;

12 (b) Any holder may make additional deposits to and
13 withdraw any part or all of the account at any time without
14 the knowledge or consent of any other holder or the
15 designated person or persons to own the account at the death
16 of the last surviving holder, subject to the bylaws and
17 regulations of the institution, and all withdrawals shall
18 constitute a revocation of the agreement as to the amount
19 withdrawn; and

20 (c) Upon the death of the last surviving holder of the
21 account, the person so designated to be the owner of the
22 account who is then living shall be the sole owner of the
23 account, unless more than one person is so designated and
24 then living in which case those persons shall hold the
25 account in equal shares as tenants in common with no right of
26 survivorship as between those persons. If no person
27 designated as the owner of the account on the death of the
28 last surviving holder is then living, the proceeds shall vest
29 in the estate of the last surviving holder of the account.
30 For purposes of this Section, a person designated to be the
31 owner of the account upon the death of the last surviving
32 holder of the account may include a natural person, a
33 charitable organization, a corporation, a partnership, a
34 joint venture, a trust, an estate, or an unincorporated

1 association, and if the person so designated is other than a
2 natural person it shall be deemed to be "living" at the time
3 of the death of the last surviving holder of the account if
4 it exists under the applicable law at that time.

5 (Source: P.A. 92-285, eff. 1-1-02.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."