1   **VIRGINIA ACTS OF ASSEMBLY — CHAPTER**

2   *An Act to amend and reenact § 20-111.1 of the Code of Virginia, relating to federal law preempting*
3   *payment of death benefit.*

                                                                        [H 2830]

4
5   Approved

6   **Be it enacted by the General Assembly of Virginia:**
7   **1. That § 20-111.1 of the Code of Virginia is amended and reenacted as follows:**
8   § 20-111.1. Revocation of death benefits by divorce or annulment.
9   *A.* Upon the entry of a decree of annulment or divorce from the bond of matrimony on and after
10   July 1, 1993, any revocable beneficiary designation contained in a then existing written contract owned
11   by one party that provides for the payment of any death benefit to the other party is revoked. A death
12   benefit prevented from passing to a former spouse by this section shall be paid as if the former spouse
13   had predeceased the decedent. The payor of any death benefit shall be discharged from all liability upon
14   payment in accordance with the terms of the contract providing for the death benefit, unless the payor
15   receives written notice of a revocation under this section prior to payment.
16   *B.* The term "death benefit" includes any payments under a life insurance contract, annuity,
17   retirement arrangement, compensation agreement or other contract designating a beneficiary of any right,
18   property or money in the form of a death benefit.
19   *C.* This section shall not apply (i) to the extent a decree of annulment or divorce from the bond of
20   matrimony, or a written agreement of the parties provides for a contrary result as to specific death
21   benefits, or (ii) to any trust or any death benefit payable to or under any trust.
22   *D. If this section is preempted by federal law with respect to the payment of any death benefit, a*
23   *former spouse who, not for value, receives the payment of any death benefit that the former spouse is*
24   *not entitled to under this section is personally liable for the amount of the payment to the person who*
25   *would have been entitled to it were this section not preempted.*