

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 56<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 3534</b>
<b>Version:</b>	<b>INT</b>
<b>Request Number:</b>	<b>9465</b>
<b>Author:</b>	<b>Rep. Caldwell</b>
<b>Date:</b>	<b>2/27/2018</b>
<b>Impact:</b>	<b>\$0</b>

**Research Analysis**

HB3534, as introduced, creates a rebuttable presumption that any transfer instrument being challenged is void if the transferee is a caregiver and the fair market value of the transferred property is greater than \$20,000. The rebuttable presumption may be overcome if it is proven by a preponderance of evidence that the caregiver's share under the transfer instrument is not greater than the share that the caregiver was entitled to prior to becoming a caregiver or by clear and convincing evidence that the transfer was not the product of fraud, duress or undue influence. In the event that a caregiver attempts and fails to prove that transfer documents are valid, the caregiver will be responsible for paying the cost of such proceedings including reasonable attorney fees. The measure is applicable to transfer instruments executed after November 1, 2018 and is not applicable to a caregiver who is also a family member of the deceased.

Prepared By: Quyen Do

**Fiscal Analysis**

HB 3534 has no fiscal impact on the state.

Prepared By: Kristina King

**Other Considerations**

None.