

1 ENGROSSED SENATE  
2 BILL NO. 1340

By: Hall of the Senate

3 and

4 Kannady of the House

5  
6 An Act relating to the Uniform Testamentary Additions  
7 to Trusts Act; amending 84 O.S. 2021, Section 301,  
8 which relates to devises or bequests by will to  
9 trustee of trust established by written instrument;  
10 creating exception to certain provisions; specifying  
11 applicability of certain provisions; authorizing  
12 devise of property by will to certain trusts;  
13 prohibiting invalidation of devise due to certain  
14 trust characteristics; requiring administration and  
15 disposition of property by terms of trust to which  
16 property was devised; requiring lapse of certain  
17 devise upon revocation or termination of trust;  
18 repealing 84 O.S. 2021, Section 302, which relates to  
19 effect of act; and providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 84 O.S. 2021, Section 301, is  
22 amended to read as follows:

23 Section 301. A A. Unless otherwise provided by subsection B of  
24 this section, a devise or bequest made by a will executed on or  
after November 1, 1961, the validity of which is determinable by the  
law of this state, may be made by a will to the trustee or trustees  
of a trust established or to be established by the testator or by  
the testator and some other person or persons or by some other  
person or persons (including a funded or unfunded life insurance

1 trust, although the trustor has reserved any or all rights of  
2 ownership of the insurance contracts) if the trust is identified in  
3 the testator's will and its terms are set forth in a written  
4 instrument, other than a will, executed before or concurrently with  
5 the execution of the testator's will or in the valid last will of a  
6 person who has predeceased the testator, regardless of the  
7 existence, size, or character of the corpus of the trust. The  
8 devise or bequest shall not be invalid because the trust is  
9 amendable or revocable, or both, or because the trust was amended  
10 after the execution of the will or after the death of the testator.  
11 Unless the testator's will provides otherwise, the property so  
12 devised or bequeathed (a) shall not be deemed to be held under a  
13 testamentary trust of the testator but shall become a part of the  
14 trust to which it is given and (b) shall be administered and  
15 disposed of in accordance with the provisions of the instrument or  
16 will setting forth the terms of the trust, including any amendments  
17 thereto made before the death of the testator, regardless of whether  
18 made before or after the execution of the testator's will, and, if  
19 the testator's will so provides, including any amendments to the  
20 trust made after the death of the testator. A revocation or  
21 termination of the trust before the death of the testator shall  
22 cause the devise or bequest to lapse.

23 B. For a will of a testator who dies on or after November 1,  
24 2022:

1       1. A will may validly devise property to the trustee of a trust  
2 established or to be established:

- 3           a. during the testator's lifetime by the testator, by the  
4           testator and some other person, or by some other  
5           person including a funded or unfunded life insurance  
6           trust, although the trustor has reserved any or all  
7           rights of ownership of the insurance contracts, or  
8           b. at the testator's death by the testator's devise to  
9           the trustee, if the trust is identified in the  
10           testator's will and its terms are set forth in a  
11           written instrument, other than a will, executed  
12           before, concurrently with, or after the execution of  
13           the testator's will or in another individual's will if  
14           that other individual has predeceased the testator,  
15           regardless of the existence, size, or character of the  
16           corpus of the trust.

17       The devise shall not be invalid because the trust is amendable  
18 or revocable, or because the trust was amended after the execution  
19 of the will or the testator's death.

20       2. Unless the testator's will provides otherwise, property  
21 devised to a trust described in this subsection is not held under a  
22 testamentary trust of the testator but shall become a part of the  
23 trust to which it is devised, and shall be administered and disposed  
24 of in accordance with the provisions of the governing instrument

1 setting forth the terms of the trust including any amendments  
2 thereto made before or after the testator's death.

3 3. Unless the testator's will provides otherwise, a revocation  
4 or termination of the trust before the testator's death shall cause  
5 the devise to lapse.

6 SECTION 2. REPEALER 84 O.S. 2021, Section 302, is hereby  
7 repealed.

8 SECTION 3. This act shall become effective November 1, 2022.

9 Passed the Senate the 21st day of February, 2022.

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11 \_\_\_\_\_  
12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2022.

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17 Presiding Officer of the House  
18 of Representatives  
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