

CHAPTER 12
[Senate Bill No. 496]
HOMESTEADS

AN ACT Relating to homesteads, including awards in addition to or awards in lieu thereof; amending section 24, chapter 64, Laws of 1895 as last amended by section 1, chapter 29, Laws of 1955 and RCW 6.12.050; amending section 11.52.010, chapter 145, Laws of 1965 as amended by section 12, chapter 168, Laws of 1967 and RCW 11.52.010; amending section 11.52.020, chapter 145, Laws of 1965 as amended by section 13, chapter 168, Laws of 1967 and RCW 11.52.020; and amending section 11.52.022, chapter 145, Laws of 1965 and RCW 11.52.022.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 24, chapter 64, Laws of 1895 as last amended by section 1, chapter 29, Laws of 1955 and RCW 6.12.050 are each amended to read as follows:

Homesteads may be selected and claimed in lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ~~((six))~~ ten thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the claimants, and shall not be devoted exclusively to any other purpose.

Sec. 2. Section 11.52.010, chapter 145, Laws of 1965 as amended by section 12, chapter 168, Laws of 1967 and RCW 11.52.010 are each amended to read as follows:

If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of ~~((ten))~~ fifteen thousand dollars at the time of death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, and exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's or materialmen's liens upon the property so set off, and exclusive of funeral expenses, expenses of last sickness and administration, which expenses may be deducted from

the gross value in determining the value to be set off to the surviving spouse; provided that the court shall have no jurisdiction to make such award unless the petition therefor is filed with the clerk within six years from the date of the death of the person whose estate is being administered.

Sec. 3. Section 11.52.020, chapter 145, Laws of 1965 as amended by section 13, chapter 168, Laws of 1967 and RCW 11.52.020 are each amended to read as follows:

In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead results in vesting the complete or partial title in the survivor, it shall be the duty of the court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed ((ten)) fifteen thousand dollars at the time of the death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased and exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's, or materialmen's liens thereon, and exclusive of funeral expenses, expenses of last sickness and of administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse, to enter a decree, upon notice as provided in RCW 11.52.014 or upon longer notice if the court so orders, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor: PROVIDED, That if there be any incompetent heirs of the decedent, the court shall appoint a guardian ad litem for such incompetent heir who shall appear at the hearing and represent the interest of such incompetent heir.

Sec. 4. Section 11.52.022, chapter 145, Laws of 1965 and RCW 11.52.022 are each amended to read as follows:

If the value of the homestead, exclusive of all such liens, be less than ((ten)) fifteen thousand dollars, the court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration, have been paid or provided for, shall set off and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all such liens and expenses when added to the value of the other property awarded, exclusive of all such liens and expenses shall equal ((ten)) fifteen thousand dollars: PROVIDED, That if it shall appear to the court, either (1) there are incompetent children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) if such surviving spouse or incompetent children are entitled to receive property including insurance by

reason of the death of the deceased spouse in the sum of ~~((ten))~~ fifteen thousand dollars, or more, then the award of property in addition to the homestead, where the homestead is of less than ~~((ten))~~ fifteen thousand dollars in value, shall lie in the discretion of the court, and that whether there shall be an award in addition to the homestead and the amount thereof shall be determined by the court, who shall enter such decree as shall be just and equitable, but not in excess of the award provided herein.

NEW SECTION. Sec. 5. If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 12, 1971.

Passed the House March 20, 1971.

Approved by the Governor March 29, 1971.

Filed in Office of Secretary of State March 29, 1971.

CHAPTER 13

[Engrossed Senate Bill No. 380]

INSURANCE--

DISABILITY, CHIROPRACTIC SERVICES--

HOLDING COMPANIES--

REQUIRED INVESTMENTS

AN ACT Relating to insurance; amending section .13.26, chapter 79, Laws of 1947 and RCW 48.13.260; adding new sections to chapter 79, Laws of 1947 and a new chapter to Title 48 RCW; adding a new section to chapter 48.20 RCW; and adding a new section to chapter 48.21 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 48.20 RCW a new section to read as follows:

Notwithstanding any provision of any disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health care service performed by a holder of a license issued pursuant to chapter 18.25 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and