



Ohio Revised Code

Section 2105.36 Provisions of governing instrument.

Effective: April 6, 2017

Legislation: House Bill 432 - 131st General Assembly

Survival by one hundred twenty hours is not required if any of the following applies:

(A) The governing instrument contains language dealing explicitly with simultaneous deaths or deaths in a common disaster, and that language is operable under the facts of the case.

(B) The governing instrument expressly indicates that an individual is not required to survive an event, including the death of another individual, by any specified period, or expressly requires the individual to survive the event for a specified period, but the survival of the event for the specified period shall be established by clear and convincing evidence.

(C) The imposition of a one-hundred-twenty-hour requirement of survival would cause a nonvested property interest or a power of appointment to be invalid under section 2131.08 of the Revised Code, but the survival shall be established by clear and convincing evidence.

(D) The application of a one-hundred-twenty-hour requirement of survival to multiple governing instruments would result in an unintended failure or duplication of a disposition, but the survival shall be established by clear and convincing evidence.
