

Second Supplement to Memorandum 83-55

Subject: Study L-651 - Simultaneous Deaths and Survival

Lawrence R. Tapper, Deputy Attorney General, approves the Commission's Tentative Recommendation Relating to Simultaneous Death and Survival:

As I understand it, under current law survivorship by one of two people killed in a common accident for even so much as a fraction of a second can cause a major shift of property rights to the benefit of that person's collateral family. You are proposing that California join thirteen other states in treating such deaths as simultaneous if they have occurred within 120 hours (5 days) of each other. I believe your proposal is a good one, and only wish it had been the law several years ago when charity was deprived of substantial gifts where there was clear evidence showing one of two victims in an automobile accident survived several seconds before she was finally consumed by fire.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary