Uniform Estate Planning Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nelson T. Abbott

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill enacts the Uniform Electronic Estate Planning Documents Act.

Highlighted Provisions:

This bill:

- defines terms;
- enacts the Uniform Electronic Estate Planning Documents Act;
- establishes the scope of the provisions this bill enacts;
- provides that a non-testamentary estate planning document or an electronic signature may not be denied legal effect because the non-testamentary estate planning document or electronic signature is in electronic form;
- provides that a non-testamentary estate planning document or an electronic signature is attributable to a person if the non-testamentary estate planning document or the electronic signature was the act of the person;
- provides notarization and acknowledgment requirements for a non-testamentary estate planning document or an electronic signature on an electronic non-testamentary estate planning document;
- provides witnessing and attestation requirements for an electronic non-testamentary estate planning document;
- establishes retention requirements for an electronic non-testamentary estate planning document;
- provides the manner in which an individual may certify a paper copy of an electronic non-testamentary estate planning document;
- provides that an electronic non-testamentary estate planning document or an electronic signature on an electronic non-testamentary estate planning document may not be excluded from a proceeding solely because the electronic non-testamentary estate planning document or an electronic signature is in electronic form; and
- provides the manner in which the provisions this bill enacts relate to existing law.

H.B. 181

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

75-13-101, Utah Code Annotated 1953

75-13-102, Utah Code Annotated 1953

75-13-201, Utah Code Annotated 1953

75-13-202, Utah Code Annotated 1953

75-13-203, Utah Code Annotated 1953

75-13-204, Utah Code Annotated 1953

75-13-205, Utah Code Annotated 1953

75-13-206, Utah Code Annotated 1953

75-13-207, Utah Code Annotated 1953

75-13-208, Utah Code Annotated 1953

75-13-209, Utah Code Annotated 1953

75-13-210, Utah Code Annotated 1953

75-13-301, Utah Code Annotated 1953

75-13-302, Utah Code Annotated 1953

75-13-303, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **75-13-101** is enacted to read:

CHAPTER 13. Uniform Electronic Estate Planning Documents Act

Part 1. General Provisions

75-13-101 . Definitions.

As used in this chapter:

(1) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(3) "Electronic signature" means an electronic symbol or process attached to or logically

associated with a record and executed or adopted by a person with the intent to sign the record.

(4) "Information" includes data, text, images, codes, computer programs, software, and databases.

(5)(a) "Non-testamentary estate planning document" means a record relating to estate planning that is readable as text at the time of signing and is not a will or contained in a will.

(b) "Non-testamentary estate planning document" includes a record readable as text at the time of signing that creates, exercises, modifies, releases, or revokes:

(i) a trust instrument;

(ii) a trust power that under the terms of the trust requires a signed record;

(iii) a certification of a trust under Section 75B-2-1013;

(iv) a power of attorney that is durable under Title 75A, Chapter 2, Uniform Power of Attorney Act;

(v) an agent's certification under Section 75A-2-302 of the validity of a power of attorney and the agent's authority;

(vi) a power of appointment;

(vii) an advance directive, including an advance health care directive, directive to physicians, natural death statement, living will, and medical or physician order for life-sustaining treatment;

(viii) a record directing disposition of an individual's body after death;

(ix) a nomination of a guardian for the signing individual;

(x) a nomination of a guardian for a minor child or disabled adult child;

(xi) a mental health treatment declaration;

(xii) a community property survivorship agreement;

(xiii) a disclaimer under Section 75-2-801; and

(xiv) any other record intended to carry out an individual's intent regarding property or health care while incapacitated or on death.

(c) "Non-testamentary estate planning document" does not include a deed of real property or certificate of title for a motor vehicle, watercraft, or aircraft.

(6) "Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(7) "Power of attorney" means a record that grants authority to an agent to act in place of the principal, even if the term is not used in the record.

(8) "Record" means information:

(a) inscribed on a tangible medium; or

(b) stored in an electronic or other medium and retrievable in perceivable form.

(9)(a) "Security procedure" means a procedure to verify that an electronic signature, record, or performance is that of a specific person or to detect a change or error in an electronic record.

(b) "Security procedure" includes a procedure that uses an algorithm, code, identifying word or number, encryption, or callback or other acknowledgment procedure.

(10) "Settlor" means a person, including a testator, that creates or contributes property to a trust.

(11) "Sign" means, with present intent to authenticate or adopt a record to:

(a) execute or adopt a tangible symbol; or

(b) attach to or logically associate with the record an electronic signature.

(12)(a) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or other territory or possession subject to the jurisdiction of the United States.

(b) "State" includes a federally recognized Indian tribe.

(13) "Terms of a trust" means:

(a) except as provided in Subsection (13)(b), the manifestation of the settlor's intent regarding a trust's provisions as:

(i) expressed in the trust instrument; or

(ii) established by other evidence that would be admissible in a judicial proceeding; or

(b) the trust's provisions as established, determined, or amended by:

(i) a trustee or other person in accordance with applicable law;

(ii) a court order; or

(iii) a nonjudicial settlement agreement under Section 75B-2-110.

(14) "Trust instrument" means an instrument executed by the settlor that contains terms of the trust, including any amendments.

(15) "Will" includes a codicil and a testamentary instrument that merely appoints an executor, revokes or revises another will, nominates a guardian, or expressly excludes or limits the right of an individual or class to succeed to property of the decedent passing by intestate succession.

Section 2. Section **75-13-102** is enacted to read:

75-13-102 . Construction.

This chapter shall be construed and applied to:

(1) facilitate electronic estate planning documents and signatures consistent with other law; and

(2) be consistent with reasonable practices concerning electronic documents and signatures and continued expansion of those practices.

Section 3. Section **75-13-201** is enacted to read:

Part 2. Electronic Non-Testamentary Estate Planning Documents

75-13-201 . Scope.

(1) Except as provided in Subsection (2), this part applies to an electronic non-testamentary estate planning document and an electronic signature on a non-testamentary estate planning document.

(2) This part does not apply to a non-testamentary estate planning document if the document precludes use of an electronic record or electronic signature.

(3) This part does not affect the validity of an electronic record or electronic signature that is valid under:

(a) Title 46, Chapter 4, Uniform Electronic Transactions Act; or

(b) Chapter 2, Part 14, Uniform Electronic Wills Act.

Section 4. Section **75-13-202** is enacted to read:

75-13-202 . Principles of law and equity.

The laws of this state and principles of equity applicable to a non-testamentary estate planning document apply to an electronic non-testamentary estate planning document except as modified by this part.

Section 5. Section **75-13-203** is enacted to read:

75-13-203 . Use of electronic record or signature not required.

(1) This part does not require a non-testamentary estate planning document or signature on a non-testamentary estate planning document to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form.

(2) A person is not required to have a non-testamentary estate planning document in electronic form or signed electronically even if the person previously created or signed a non-testamentary estate planning document by electronic means.

(3) A person may not waive the provisions of this section.

Section 6. Section **75-13-204** is enacted to read:

75-13-204 . Recognition of electronic non-testamentary estate planning document

and electronic signature.

(1) A non-testamentary estate planning document or a signature on a non-testamentary estate planning document may not be denied legal effect or enforceability solely because the non-testamentary estate planning document or a signature on a non-testamentary estate planning document is in electronic form.

(2) If other law of this state requires a non-testamentary estate planning document to be in writing, an electronic record of the document satisfies this requirement.

(3) If other law of this state requires a signature on a non-testamentary estate planning document, an electronic signature satisfies the requirement.

Section 7. Section **75-13-205** is enacted to read:

75-13-205 . Attribution and effect of electronic record and electronic signature.

(1)(a) An electronic non-testamentary estate planning document or electronic signature on an electronic non-testamentary estate planning document is attributable to a person if the electronic non-testamentary estate planning document or electronic signature on an electronic non-testamentary estate planning document was the act of the person.

(b) The act of the person may be shown in any manner, including by showing the efficacy of a security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

(2) The effect of attribution to a person under Subsection (1) of a document or signature is determined from the context and surrounding circumstances at the time of the document's or signature's creation, execution, or adoption and as provided by law.

Section 8. Section **75-13-206** is enacted to read:

75-13-206 . Notarization and acknowledgment.

If other law of this state requires a signature or record to be notarized, acknowledged, verified or made under oath, the requirement is satisfied with respect to an electronic non-testamentary estate planning document if an individual authorized to perform the notarization, acknowledgment, verification, or oath attaches or logically associates the individual's electronic signature on the document together with all other information required to be included under the other law.

Section 9. Section **75-13-207** is enacted to read:

75-13-207 . Witnessing and attestation.

(1) If other law of this states bases the validity of a non-testamentary estate planning document on whether the non-testamentary estate planning document is signed,

witnessed, or attested by another individual, the signature, witnessing, or attestation of that individual may be electronic.

(2)(a) As used in this Subsection (2), "electronic presence" means that two or more individuals in different locations are able to communicate in real time to the same extent as if the individuals were physically present in the same location.

(b) If other law of this state bases the validity of a non-testamentary estate planning document on whether the non-testamentary estate planning document is signed, witnessed, or attested by another individual in the presence of the individual signing the document, the presence requirement is satisfied if the individuals are in each other's electronic presence.

Section 10. Section **75-13-208** is enacted to read:

75-13-208 . Retention of electronic record -- Original.

(1) As used in this section, "governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state.

(2) Except as provided in Subsection (3), if other law of this state requires an electronic non-testamentary estate planning document to be retained, transmitted, copied, or filed, the requirement is satisfied by retaining, transmitting, copying, or filing an electronic record that:

(a) accurately reflects the information in the document after the document was first generated in final form as an electronic record or under Section 75-13-209; and

(b) remains accessible to the extent required by the other law.

(3) A requirement under Subsection (2) to retain a record does not apply to information the sole purpose of which is to enable the record to be sent, communicated, or received.

(4) A person may satisfy Subsection (2) by using the services of another person.

(5) If other law of this state requires a non-testamentary estate planning document to be presented or retained in the non-testamentary estate planning document's original form, or provides consequences if a non-testamentary estate planning document is not presented or retained in the non-testamentary estate planning document's original form, an electronic record retained in accordance with Subsection (2) satisfies the other law.

(6) This section does not preclude a governmental agency from specifying requirements for the retention of a record subject to the agency's jurisdiction in addition to those in this section.

Section 11. Section **75-13-209** is enacted to read:

75-13-209 . Certification of paper copy.

An individual may create a certified paper copy of an electronic non-testamentary estate planning document by affirming under penalty of perjury that the paper copy is a complete and accurate copy of the document.

Section 12. Section **75-13-210** is enacted to read:

75-13-210 . Admissibility in evidence.

Evidence relating to an electronic non-testamentary estate planning document or an electronic signature on the document may not be excluded in a proceeding solely because the non-testamentary estate planning document or electronic signature is in electronic form.

Section 13. Section **75-13-301** is enacted to read:

Part 3. Miscellaneous Provisions

75-13-301 . Uniformity of application and construction.

In applying and construing this uniform act, a court shall consider the promotion of uniformity in the law among jurisdictions that enact the uniform act.

Section 14. Section **75-13-302** is enacted to read:

75-13-302 . Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit or supersede 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

Section 15. Section **75-13-303** is enacted to read:

75-13-303 . Transitional provision.

This chapter applies to an electronic non-testamentary estate planning document created, signed, generated, sent, communicated, received, or stored before, on, or after May 6, 2026.

Section 16. **Effective Date.**

This bill takes effect on May 6, 2026.