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Uniform Estate Planning Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nelson T. Abbott

Senate Sponsor:

2

LONG TITLE

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General Description:

4 This bill enacts the Uniform Electronic Estate Planning Documents Act.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ enacts the Uniform Electronic Estate Planning Documents Act;
- 10 ▶ establishes the scope of the provisions this bill enacts;
- 11 ▶ 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;
- 12 ▶ 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;
- 13 ▶ provides notarization and acknowledgment requirements for a non-testamentary estate planning document or an electronic signature on an electronic non-testamentary estate planning document;
- 14 ▶ provides witnessing and attestation requirements for an electronic non-testamentary estate planning document;
- 15 ▶ establishes retention requirements for an electronic non-testamentary estate planning document;
- 16 ▶ provides the manner in which an individual may certify a paper copy of an electronic non-testamentary estate planning document;
- 17 ▶ 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
- 18 ▶ provides the manner in which the provisions this bill enacts relate to existing law.

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

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

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

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

73 (i) a trust instrument;

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

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

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

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

80 (vi) a power of appointment;

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

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

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

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

87 (xi) a mental health treatment declaration;

88 (xii) a community property survivorship agreement;

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

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

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

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

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

98 (8) "Record" means information:

99 (a) inscribed on a tangible medium; or

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

101 (9)(a) "Security procedure" means a procedure to verify that an electronic signature,

102 record, or performance is that of a specific person or to detect a change or error in an
103 electronic record.

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

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

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

109 (a) execute or adopt a tangible symbol; or

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

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

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

115 (13) "Terms of a trust" means:

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

118 (i) expressed in the trust instrument; or

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

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

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

122 (ii) a court order; or

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

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

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

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

131 **75-13-102 . Construction.**

132 This chapter shall be construed and applied to:

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

134 and

135 (2) be consistent with reasonable practices concerning electronic documents and signatures

136 and continued expansion of those practices.

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

138 **Part 2. Electronic Non-Testamentary Estate Planning Documents**

139 **75-13-201 . Scope.**

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

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

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

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

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

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

150 **75-13-202 . Principles of law and equity.**

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

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

155 **75-13-203 . Use of electronic record or signature not required.**

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

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

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

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

165 **75-13-204 . Recognition of electronic non-testamentary estate planning document**

166 and electronic signature.

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

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

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

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

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

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

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

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

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

75-13-206 . Notarization and acknowledgment.

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

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

75-13-207 . Witnessing and attestation.

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

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

202 (2)(a) As used in this Subsection (2), "electronic presence" means that two or more
203 individuals in different locations are able to communicate in real time to the same
204 extent as if the individuals were physically present in the same location.
205 (b) If other law of this state bases the validity of a non-testamentary estate planning
206 document on whether the non-testamentary estate planning document is signed,
207 witnessed, or attested by another individual in the presence of the individual signing
208 the document, the presence requirement is satisfied if the individuals are in each
209 other's electronic presence.

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

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

211 (1) As used in this section, "governmental agency" means an executive, legislative, or
212 judicial agency, department, board, commission, authority, institution, or instrumentality
213 of the federal government or of a state or of a county, municipality, or other political
214 subdivision of a state.
215 (2) Except as provided in Subsection (3), if other law of this state requires an electronic
216 non-testamentary estate planning document to be retained, transmitted, copied, or filed,
217 the requirement is satisfied by retaining, transmitting, copying, or filing an electronic
218 record that:
219 (a) accurately reflects the information in the document after the document was first
220 generated in final form as an electronic record or under Section 75-13-209; and
221 (b) remains accessible to the extent required by the other law.
222 (3) A requirement under Subsection (2) to retain a record does not apply to information the
223 sole purpose of which is to enable the record to be sent, communicated, or received.
224 (4) A person may satisfy Subsection (2) by using the services of another person.
225 (5) If other law of this state requires a non-testamentary estate planning document to be
226 presented or retained in the non-testamentary estate planning document's original form,
227 or provides consequences if a non-testamentary estate planning document is not
228 presented or retained in the non-testamentary estate planning document's original form,
229 an electronic record retained in accordance with Subsection (2) satisfies the other law.
230 (6) This section does not preclude a governmental agency from specifying requirements for
231 the retention of a record subject to the agency's jurisdiction in addition to those in this
232 section.
233

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.