



Summary of Estate Planning Recodification

Overview of S.B. 100 | 2025 General Session

Why recodify?

- Recodification allows the Legislature to clean up and restructure certain areas of the code that need clarification and reorganization. The Utah Code constantly changes, requiring the Legislature to coordinate unchanged sections with changed sections to ensure that the Utah Code remains coherent and usable.
- The Office of Legislative Research and General Counsel recommended a recodification of estate planning statutes due to concerns over the statutory interpretation of statutes placed in Title 75, Utah Uniform Probate Code, which are not part of the Uniform Probate Code.
- A recodification would allow staff to clarify the Legislature’s objectives in regard to estate planning issues and would also assist judges, lawyers, agencies, and the public in understanding what statutes are part of the Utah Uniform Probate Code.

What will the proposed recodification do?

- The Estate Planning Recodification began in the 2024 General Session with Senate Bill 79, which created two new titles, Title 75A, Fiduciaries, and Title 75B, Trusts, and moved fiduciary and trust statutes from Title 75, Utah Uniform Probate Code, into those two new titles.
- The recodification has occurred over two legislative sessions due to the number of statutes in need of recodification. Therefore, in the 2025 General Session, Senate Bill 100 will move the remaining trust statutes from Title 75, Utah Uniform Probate Code, into Title 75B, Trusts. It also coordinates definitions among the estate planning statutes.

New Structure for Estate Planning Statutes

Title 75, Utah Uniform Probate Code	
Chapter 1	General Provisions, Definitions, and Probate Jurisdiction of Court
Chapter 2	Intestate Succession and Wills
Chapter 2b	Uniform Disposition of Community Property Rights at Death Act
Chapter 3	Probate of Wills and Administration
Chapter 4	Foreign Personal Representatives - Ancillary Administration
Chapter 5	Protection of Persons Under Disability and Their Property
Chapter 5b	Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act
Chapter 6	Nonprobate Transfers
Title 75A, Fiduciaries	
Chapter 1	Fiduciaries
Chapter 2	Uniform Power of Attorney Act
Chapter 3	Health Care Decisions
Chapter 4	Uniform Powers of Appointment Act
Chapter 5	Uniform Fiduciary Income and Principal Act
Chapter 6	Uniform Fiduciary Access to Digital Assets Act
Chapter 7	Uniform Act for Simplification of Fiduciary Security Transfers
Chapter 8	Uniform Transfers to Minor
Title 75B, Trusts	
Chapter 1	General Provisions
Chapter 2	Uniform Trust Code
Chapter 3	Uniform Directed Trust Act