

**22-7-102 Definitions.**

As used in this chapter:

- (1) "Disinterested person" means a person who is not a related or subordinate party, as defined in Section 672(c), Internal Revenue Code, with respect to the person then acting as trustee of the trust, and excludes the settlor of the trust and any interested trustee.
- (2) "Generation-skipping transfer tax" is defined in Section 2611, Internal Revenue Code.
- (3) "Income trust" means a trust, created by either an inter vivos or a testamentary instrument, which directs or permits the trustee to distribute the net income of the trust to one or more persons, either in fixed proportions or in amounts or proportions determined by the trustee. Notwithstanding the foregoing, a trust that otherwise is an income trust may not qualify under this chapter, if it may be subject to taxation under Sections 2001 or 2501, Internal Revenue Code, until the expiration of the period for filing the return, including extensions.
- (4) "Interested distributee" means a person to whom distributions of income or principal can currently be made and who has the power to remove the existing trustee and designate as successor a person who may be a related or subordinate party, as defined in Section 672(c), Internal Revenue Code, with respect to the interested distributee.
- (5) "Interested trustee" means:
  - (a) an individual trustee to whom the net income or principal of the trust can currently be distributed or would be distributed if the trust were to terminate and be distributed;
  - (b) any trustee who may be removed and replaced by an interested distributee; or
  - (c) an individual trustee whose legal obligation to support a beneficiary may be satisfied by distributions of income and principal of the trust.
- (6) "Settlor" means a person as defined in Section 75-7-103.
- (7) "Total return unitrust" means an income trust that has been created in or converted under, meets the provisions of this chapter, and is invested and managed under the prudent investor rule of Title 75, Chapter 7, Part 9, Utah Uniform Prudent Investor Act.
- (8) "Trustee" means all persons acting as trustee of the trust, except where expressly noted otherwise, whether acting within their discretion or on the direction of one or more persons acting in a fiduciary capacity.
- (9) "Unitrust amount" means an amount computed as a percentage of the net fair market value of the trust.
- (10) "Year" means a calendar year.

Enacted by Chapter 244, 2013 General Session