

Effective 5/6/2026

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.

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