

Effective 5/7/2025

75A-2-120 Liability for refusal to accept acknowledged power of attorney.

- (1) As used in this section, "acknowledged" means the same as that term is defined in Section 75A-2-119.
- (2) Except as otherwise provided in Subsection (3):
 - (a) a person shall either accept an acknowledged power of attorney or request a certification, a translation, or an opinion of counsel under Subsection 75A-2-119(4) no later than seven business days after presentation of the power of attorney for acceptance;
 - (b) if a person requests a certification, a translation, or an opinion of counsel under Subsection 75A-2-119(4), the person shall accept the power of attorney no later than five business days after receipt of the certification, translation, or opinion of counsel; and
 - (c) a person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.
- (3) A person is not required to accept an acknowledged power of attorney if:
 - (a) the person is not otherwise required to engage in a transaction with the principal in the same circumstances;
 - (b) engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law;
 - (c) the person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;
 - (d) a request for a certification, a translation, or an opinion of counsel under Subsection 75A-2-119(4) is refused;
 - (e) the person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation, or an opinion of counsel under Subsection 75A-2-119(4) has been requested or provided; or
 - (f) the person makes, or has actual knowledge that another person has made, a report to the Division of Aging and Adult Services stating a good faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or a person acting for or with the agent.
- (4) A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to:
 - (a) a court order mandating acceptance of the power of attorney; and
 - (b) liability for reasonable attorney fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.
- (5) Court proceedings under this section shall be conducted in accordance with the provisions of Title 75, Utah Uniform Probate Code, governing venue and procedures.

Amended by Chapter 310, 2025 General Session