

# Uniform Power of Attorney Act | Statutory Summary

The UPOAA updates Wyoming's POA statutes. It consists of 4 Articles. The basic substance of the Act is located in Articles 1 and 2. Article 3 contains the optional statutory form, and Article 4 consists of miscellaneous provisions dealing with general application of the Act.

## Article 1 – Definitions and General Provisions

<b>Definitions and Requirements to Establish a POA</b>	
<b>Sec.</b>	<b>Description</b>
<b>102</b>	Provides a list of definitions which are useful in interpretation of the Act.
<b>103</b>	Provides that the Act is to apply broadly to all powers of attorney, but excepts from the Act powers of attorney for health care and certain specialized powers such as those coupled with an interest or dealing with proxy voting.
<b>104</b>	Provides the default rule that a POA is durable, unless it contains express language indicating otherwise. <i>Wyoming law Note - section (b) provides that pre-existing POAs are only durable if in accordance with 3-5-101 or 3-9-403.</i>
<b>105</b>	Requires the principal's signature and provides that an acknowledged signature is presumed genuine
<b>106</b>	Recognizes military powers of attorney and powers of attorney properly executed in other states or countries, or which were properly executed in the state of enactment prior to the Act's effective date.
<b>107</b>	States a choice of law rule for determining the law that governs the meaning and effect of a POA.
<b>108</b>	Addresses the relationship of the agent to a later court-appointed fiduciary, such as a guardian or conservator
<b>109</b>	Provides that unless the principal specifies that it is to become effective upon a future date, event, or contingency, the authority of an agent under a POA becomes effective upon execution.
<b>110</b>	Covers the the bases for termination of a POA.
<b>Agent Duties and Responsibilities</b>	
<b>111</b>	Provides default rules for coagents and successor agents
<b>112</b>	Provides for reimbursement and compensation
<b>113</b>	Defines how an agent must accept appointment
<b>114</b>	Outlines the agent's duties
<b>115</b>	Provides that a principal may relieve an agent for breach of duty, except for actions taken dishonestly, with an improper motive, or with reckless indifference to the purposes of the POA or the best interest of the principal.
<b>116</b>	Sets out a comprehensive list of persons that may petition the court to review the agent's conduct, and allows a principal to dismiss meritless challenges
<b>117</b>	Addresses agent liability for misconduct
<b>118</b>	Provides that an agent may resign by following the described notice procedures
<b>Third Party Duties and Responsibilities</b>	

119	Protects persons that in good faith accept an acknowledged POA without actual knowledge that the POA is revoked, terminated, or invalid or that the agent is exceeding or improperly exercising the agent's powers.
120	Imposes liability for refusal to accept a POA.
<b>UPOAA relationship to other law</b>	
121	Clarifies that the Act is supplemented by the principles of common law and equity to the extent those principles are not displaced by a specific provision of the Act
122	Further clarifies that the Act is not intended to supersede any law applicable to financial institutions or other entities.
123	Provides that the remedies under the Act are not exclusive and do not abrogate any other cause of action or remedy that may be available under the law of the enacting jurisdiction.

## Article 2 – Agent Authority

<b>Scope of Agent Authority Defined</b>		
<b>Sec.</b>	<b>Description</b>	<b>Pg.</b>
201	Lists specific categories of authority that cannot be implied from a grant of general authority (“hot powers”), but which must be granted only through express language in the POA.	32
202	Allows a grant of general authority over a subject matter by reference to the relevant statutory provision. The principal may modify in a POA any authority incorporated by reference.	35
203	Applies to all incorporated authority and grants of general authority, providing further detail on how the authority is to be construed.	35
204-217	Set forth detailed descriptions of authority relating to subjects such as “real property,” “retirement plans,” and “taxes,” which a principal, pursuant to Section 202, may incorporate in full into the POA.	38-72

## Article 3 – Statutory Form

This form is designed for use by lawyers as well as lay persons. It contains, in plain language, instructions to the principal and agent. Step-by-step prompts are given for designation of the agent and successor agents, and grant of general and specific authority. **This form is found on pages 72-88.**

## Article 4 – Miscellaneous Provisions

<b>Sec.</b>	<b>Description</b>	<b>Pg.</b>
401	Encourages consideration of uniform application when applying or construing the Act	88
402	Addresses federal requirements around use of electronic signatures	89
403	Makes this Act apply to existing POAs; however, the provisions of the Act will not apply to actions taken before the effective date of the act.	89
<b>Sec. 2</b>	The Act is effective January 1, 2018.	91