



AMENDMENT #5

OFFERED IN THE HOUSE
TO: CSHB 8(JUD)

BY REPRESENTATIVE CLAMAN

1 Page 4, following line 21:

2 Insert new subsections to read:

3 “(i) Except as otherwise provided in the power of attorney and subsection (j), an
4 agent that does not participate in or conceal a breach of fiduciary duty committed by
5 another agent, including a predecessor agent, is not liable for the actions of the other
6 agent.

7 (j) An agent that has actual knowledge of a breach or imminent breach of fiduciary
8 duty by another agent shall notify the principal and, if the principal is incapacitated, take
9 any action reasonably appropriate in the circumstances to safeguard the principal’s best
10 interest. An agent that fails to notify the principal or take action as required by this
11 subsection is liable for the reasonably foreseeable damages that could have been avoided
12 if the agent had notified the principal or taken such action.”

13
14
15
16
17
18
19