

SENATE BILL NO. 14**IN THE LEGISLATURE OF THE STATE OF ALASKA****EIGHTEENTH LEGISLATURE - FIRST SESSION****BY SENATOR ELLIS****Introduced: 1/11/93**
Referred: JUD, FIN**A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to relying on and honoring a statutory form power of
2 attorney."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * Section 1. AS 13.26.332 is amended to read:

5 Sec. 13.26.332. **STATUTORY FORM POWER OF ATTORNEY.** A person
6 who wishes to designate another as attorney-in-fact or agent by a power of attorney
7 may execute a statutory power of attorney set out in substantially the following form:

8 **GENERAL POWER OF ATTORNEY**

9 **THE POWERS GRANTED FROM THE PRINCIPAL TO THE AGENT OR**
10 **AGENTS IN THE FOLLOWING DOCUMENT ARE VERY BROAD. THEY MAY**
11 **INCLUDE THE POWER TO DISPOSE, SELL, CONVEY, AND ENCUMBER YOUR**
12 **REAL AND PERSONAL PROPERTY, AND THE POWER TO MAKE YOUR**
13 **HEALTH CARE DECISIONS. ACCORDINGLY, THE FOLLOWING DOCUMENT**
14 **SHOULD ONLY BE USED AFTER CAREFUL CONSIDERATION. IF YOU HAVE**

1 ANY QUESTIONS ABOUT THIS DOCUMENT, YOU SHOULD SEEK
2 COMPETENT ADVICE.

3 YOU MAY REVOKE THIS POWER OF ATTORNEY AT ANY TIME.

4 Pursuant to AS 13.26.338 - 13.26.353, I, (Name of principal), of
5 (Address of principal), do hereby appoint (Name and address of agent or
6 agents), my attorney(s)-in-fact to act as I have checked below in my name, place,
7 and stead in any way which I myself could do, if I were personally present, with
8 respect to the following matters, as each of them is defined in AS 13.26.344, to the
9 full extent that I am permitted by law to act through an agent:

10 THE AGENT OR AGENTS YOU HAVE APPOINTED WILL HAVE ALL
11 THE POWERS LISTED BELOW UNLESS YOU DRAW A LINE THROUGH A
12 CATEGORY; AND INITIAL THE BOX OPPOSITE THAT CATEGORY

- 13 (A) real estate transactions ()
- 14 (B) transactions involving tangible personal property, chattels,
15 and goods ()
- 16 (C) bonds, shares, and commodities transactions ()
- 17 (D) banking transactions ()
- 18 (E) business operating transactions ()
- 19 (F) insurance transactions ()
- 20 (G) estate transactions ()
- 21 (H) gift transactions ()
- 22 (I) claims and litigation ()
- 23 (J) personal relationships and affairs ()
- 24 (K) benefits from government programs and military service ()
- 25 (L) health care services ()
- 26 (M) records, reports, and statements ()
- 27 (N) delegation ()
- 28 (O) all other matters, including those specified as follows: ()

29 _____
30 _____
31 _____

1 **IF YOU HAVE APPOINTED MORE THAN ONE AGENT, CHECK ONE OF**
2 **THE FOLLOWING:**

3 () Each agent may exercise the powers conferred separately, without the
4 consent of another [ANY OTHER] agent.

5 () All agents shall exercise the powers conferred jointly, with the consent
6 of all other agents.

7 **TO INDICATE WHEN THIS DOCUMENT SHALL BECOME EFFECTIVE,**
8 **CHECK ONE OF THE FOLLOWING:**

9 () This document shall become effective upon the date of my signature.

10 () This document shall become effective upon the date of my disability
11 and shall not otherwise be affected by my disability.

12 **IF YOU HAVE INDICATED THAT THIS DOCUMENT SHALL BECOME**
13 **EFFECTIVE ON THE DATE OF YOUR SIGNATURE, CHECK ONE OF THE**
14 **FOLLOWING:**

15 () This document shall not be affected by my subsequent disability.

16 () This document shall be revoked by my subsequent disability.

17 **IF YOU HAVE INDICATED THAT THIS DOCUMENT SHALL BECOME**
18 **EFFECTIVE UPON THE DATE OF YOUR SIGNATURE AND WANT TO LIMIT**
19 **THE TERM OF THIS DOCUMENT, COMPLETE THE FOLLOWING:**

20 This document shall only continue in effect for _____ () years from the
21 date of my signature.

22 **NOTICE OF REVOCATION OF THE POWERS GRANTED IN THIS DOCUMENT**

23 You may revoke one or more of the powers granted in this document. Unless
24 otherwise provided in this document, you may revoke a specific power granted in this
25 power of attorney by completing a special power of attorney that includes the specific
26 power in this document that you want to revoke. Unless otherwise provided in this
27 document, you may revoke all the powers granted in this power of attorney by
28 completing a subsequent power of attorney.

29 **NOTICE TO THIRD PARTIES**

30 A third party who relies on the reasonable representations of an attorney-in-fact
31 as to a matter relating to a power granted by a properly executed statutory power of

1 attorney does not incur any liability to the principal or to the principal's heirs, assigns,
2 or estate as a result of permitting the attorney-in-fact to exercise the authority granted
3 by the power of attorney. A third party who fails to honor a signed and notarized
4 [PROPERLY EXECUTED] statutory form power of attorney when it is presented to
5 the third party may be liable to the principal, the attorney-in-fact, the principal's
6 heirs, assigns, or estate for a civil penalty, plus damages, costs, and fees associated
7 with the failure to comply with the statutory form power of attorney. A third party
8 may not require additional documentation, including affidavits relating to the past
9 or present disability of the principal or the termination of the power of attorney,
10 before honoring the terms of a signed and notarized statutory form power of
11 attorney. If the power of attorney is one which becomes effective upon the disability
12 of the principal, the disability of the principal is established by an affidavit, as required
13 by law.

14 IN WITNESS WHEREOF, I have hereunto signed my name this _____ day
15 of _____.

16 _____
17 Signature of Principal

18 Subscribed and sworn to or affirmed before me at _____
19 _____ on _____.

20 _____
21 Signature of Officer or Notary.

22 * Sec. 2. AS 13.26.353(b) is amended to read:

23 (b) A third party who relies on the reasonable representations of an
24 attorney-in-fact designated under AS 13.26.332 - 13.26.344 as to a matter relating to
25 a power granted by a signed and notarized [PROPERLY EXECUTED] statutory form
26 power of attorney does not incur a liability to the principal or the principal's heirs,
27 assigns, or estate as a result of permitting the attorney-in-fact to exercise the authority
28 granted by the power of attorney.

29 * Sec. 3. AS 13.26.353(c) is amended to read:

30 (c) A third party shall honor the terms of a signed and notarized
31 [PROPERLY EXECUTED] statutory form power of attorney when presented to the

1 third party. A third party who fails to honor a signed and notarized [PROPERLY
2 EXECUTED] statutory form power of attorney when presented to the third party
3 may be liable in a civil action to the principal, the attorney-in-fact, or the principal's
4 heirs, assigns, or estate for a civil penalty not to exceed \$1,000, plus the actual
5 damages, costs, and fees associated with the failure to comply with the statutory form
6 power of attorney. The civil action shall be the exclusive remedy at law for damages.
7 The third party may not require additional documentation, including affidavits
8 relating to the past or present disability of the principal or the termination of the
9 power of attorney, before honoring the terms of a signed and notarized statutory
10 form power of attorney.