

JAN 20 2012

A BILL FOR AN ACT

RELATING TO POWERS OF ATTORNEY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 551D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§551D- Witness and notary requirements. (a) A durable
5 power of attorney shall not be enforceable unless it is:

6 (1) Signed by two witnesses who satisfy the requirements
7 of subsection (b); and

8 (2) Acknowledged by a notary public.

9 (b) A person shall not be a witness to execution of a
10 durable power of attorney unless the person is:

11 (1) Eighteen years of age or older;

12 (2) Not the attorney-in-fact named in the durable power of
13 attorney;

14 (3) Not related to the attorney-in-fact or to the other
15 witness; and

16 (4) Witness to either the signing of the instrument by the
17 principal or the principal's acknowledgement of the
18 signature on the durable power of attorney."



1 SECTION 2. Chapter 560, Hawaii Revised Statutes, is
2 amended by adding a new section to article V to be appropriately
3 designated and to read as follows:

4 "§560:5- Witness and notary requirements. (a) A power
5 of attorney shall not be enforceable unless it is:

6 (1) Signed by two witnesses who satisfy the requirements
7 of subsection (b); and

8 (2) Acknowledged by a notary public.

9 (b) A person shall not be a witness to execution of a
10 power of attorney unless the person is:

11 (1) Eighteen years of age or older;

12 (2) Not the attorney-in-fact named in the power of
13 attorney;

14 (3) Not related to the attorney-in-fact or to the other
15 witness; and

16 (4) Witness to either the signing of the instrument by the
17 principal or the principal's acknowledgement of the
18 signature on the power of attorney."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.

22 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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S.B. NO. 2315

Report Title:

Powers of Attorney; Requirements

Description:

Requires that a power of attorney be witnessed by two witnesses who are not related to the attorney-in-fact and be acknowledged by a notary public. Establishes qualifications for witnesses to execution of a power of attorney.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

