

Honolulu, Hawaii

March 18, 2014

RE: S.B. No. 2229  
S.D. 2

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2229, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM POWER OF ATTORNEY ACT,"

begs leave to report as follows:

The purpose of this measure to enhance the effectiveness of durable powers of attorney.

Specifically, this measure:

- (1) Establishes the Uniform Power of Attorney Act, which defines the levels of authority granted in a power of attorney to the principal's agent, requires an agent to act in good faith and within the scope of authority of a power of attorney, and provides statutory forms that may be used to create a power of attorney; and
- (2) Repeals chapter 551D, Hawaii Revised Statutes, relating to the Uniform Durable Power of Attorney Act.

The Commission to Promote Uniform Legislation, AARP Hawaii, and the Alzheimer's Association, Aloha Chapter, provided testimony in support of the measure. The Executive Office on Aging provided comments.



Your Committee notes that powers of attorney are widely used as a mechanism to effectively plan for incapacity. In order to facilitate the effective use of powers of attorney, Hawaii adopted the Uniform Durable Power of Attorney Act in 1989, which is codified as chapter 551D, Hawaii Revised Statutes. In 2002, a national review of state power of attorney legislation revealed that many states had enacted non-uniform provisions to address issues that were not contemplated in the original Uniform Durable Power of Attorney Act. To promote uniformity on these issues, the Uniform Law Commission of the National Conference of Commissioners on Uniform State Laws developed the Uniform Power of Attorney Act (2006). Your Committee finds that this uniform act codifies state power of attorney legislative trends and collective best practices and strikes a balance between the need for flexibility and acceptance of an agent's authority and the need to prevent and redress financial abuse. Your Committee further finds that this measure is based upon the Uniform Power of Attorney Act, which has currently been enacted in thirteen states and the United States Virgin Islands.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2229, S.D. 2, and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,

  
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ANGUS L.K. MCKELVEY, Chair



