

UNIFORM POWER OF ATTORNEY ACT (EXCERPT)
Act 187 of 2023

556.301 Express or specific grant of authority; grant of general authority.

Sec. 201.

(1) An agent under a power of attorney may do the following on behalf of the principal or with the principal's property only if the power expressly grants the agent the authority and exercise of the authority is not prohibited by another agreement or instrument to which the authority or property is subject or the authority is granted by judicial order:

- (a) Create, amend, revoke, or terminate an inter vivos trust.
- (b) Make a gift.
- (c) Create or change rights of survivorship.
- (d) Create or change a beneficiary designation.
- (e) Delegate authority granted under the power of attorney.
- (f) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan.
- (g) Exercise fiduciary powers that the principal has authority to delegate.
- (h) Exercise authority over the content of electronic communications, as defined in 18 USC 2510(12), sent or received by the principal.
- (i) Exercise authority over any bank, securities, or other financial account in a foreign country within the meaning of 31 CFR 1010.350.

(2) Notwithstanding a grant of authority to do an act described in subsection (1), unless the power of attorney provides otherwise, an agent who is not an ancestor, spouse, or descendant of the principal shall not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise. The terms of a power of attorney may expand or narrow the class of agents permitted by this subsection to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property.

(3) Subject to subsections (1), (2), (4), and (5), if a power of attorney grants to an agent authority to do all acts that a principal could do, the agent has the general authority described in sections 204 to 216.

(4) Unless the power of attorney provides otherwise, a grant of authority to make a gift is subject to section 217.

(5) Subject to subsections (1), (2), and (4), if the subjects over which authority is granted by a power of attorney are similar or overlap, the broadest authority controls.

(6) Authority granted in a power of attorney is exercisable with respect to property that the principal has when the power is executed or acquires later, whether or not the property is located in this state and whether or not the authority is exercised or the power is executed in this state.

(7) An act performed by an agent under a power of attorney has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal had performed the act.

History: 2023, Act 187, Eff. July 1, 2024