

SUBPART 4
MISCELLANEOUS PROVISIONS

15-14-743. Uniformity of application and construction.

In applying and construing this part 7, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

Source: L. 2009: Entire part added, (HB 09-1198), ch. 106, p. 418, § 1, effective April 9.

15-14-744. Relation to "Electronic Signatures in Global and National Commerce Act".

This part 7, modifies, limits, and supersedes the federal "Electronic Signatures in Global and National Commerce Act", 15 U.S.C. sec. 7001 et seq., but does not modify, limit, or supersede section 101 (c) of that act, 15 U.S.C. sec. 7001 (c), or authorize electronic delivery of any of the notices described in section 103 (b) of that act, 15 U.S.C. sec. 7003 (b).

Source: L. 2009: Entire part added, (HB 09-1198), ch. 106, p. 418, § 1, effective April 9.

15-14-745. Effect on existing powers of attorney.

(1) Except as otherwise provided in this part 7, on January 1, 2010:

(a) This part 7 applies to a power of attorney created before, on, or after January 1, 2010;

(b) This part 7 applies to a judicial proceeding concerning a power of attorney commenced on or after January 1, 2010;

(c) This part 7 applies to a judicial proceeding concerning a power of attorney commenced before January 1, 2010, unless the court finds that application of a provision of this part 7 would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies; and

(d) An act done before January 1, 2010, is not affected by this part 7.

(2) (a) A power of attorney is durable as determined pursuant to section 15-14-704 (1) and is otherwise construed and applied in accordance with this part 7 prior to January 1, 2010, if the power of attorney:

(I) Is signed on or after the date this part 7 becomes law and before January 1, 2010;

(II) Is either:

(A) Substantially in the form set forth in section 15-14-741; or

(B) States that it is subject to the "Uniform Power of Attorney Act" or to this part 7.

(b) To the extent of any conflict between this subsection (2) and either part 13 of article 1 of this title or section 15-14-501, this subsection (2) shall control.

Source: L. 2009: Entire part added, (HB 09-1198), ch. 106, p. 418, § 1, effective April 9.