533.02 DEFINITIONS.

In this chapter:

(1) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) "Electronic presence" means an individual being in a state and communicating simultaneously with another person by means of an electronic device or process by sight and sound to substantially the same extent as if the individual were in a physical location in relation to the other person that would allow an individual to see and hear the person, allowing for reasonable accommodation for individuals with hearing, vision, or speech impairments as necessary.

(3) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(4) "Electronic signature" means an electronic symbol, signature, mark, or a process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(5) "Information" includes data, text, images, codes, computer programs, software, and databases.

(6) "Nontestamentary estate planning document" means a record relating to estate planning and is not a will or contained in a will. The term:

(i) includes a record that creates, exercises, modifies, releases, or revokes:

(A) a trust instrument;

(B) a trust power that under the terms of the trust requires a signed record;

(C) a certification of a trust under section 501C.1013;

(D) a power of attorney under chapter 523;

(E) an agent's certification under sections 523.16 to 523.18 of the validity of a power of attorney and the agent's authority;

(F) a power of appointment;

(G) an advance directive, including a health care directive, directive to physicians, natural death statement, living will, and medical or physician order for life-sustaining treatment;

(H) a record directing disposition of an individual's body after death;

(I) a nomination of a guardian for the signing individual;

(J) a nomination of a guardian for a minor child or disabled adult child;

(K) a mental health treatment declaration;

(L) a community property survivorship agreement;

(M) a disclaimer under the Uniform Disclaimer of Property Interests Act, sections 524.2-1101 to 524.2-1116;

(N) an antenuptial agreement or postnuptial agreement; and

(O) any other record intended to carry out an individual's intent regarding property or health care while incapacitated or on death; and

(ii) does not include a deed of real property, or certificate of title for a motor vehicle, watercraft, or aircraft.

(7) "Person" means:

(i) an individual;

(ii) an estate;

(iii) a business or nonprofit entity;

(iv) a government or governmental subdivision, agency, or instrumentality; or

(v) any other legal entity.

(8) "Power of attorney" means a record that grants authority to an agent to act in place of the principal, even if the term is not used in the record.

(9) "Presence" or "conscious presence" means either:

(i) an individual being in a physical location in relation to another person that allows the individual to see and hear the person; or

(ii) electronic presence.

(10) "Record" means information that is: (i) inscribed on a tangible medium; or (ii) stored in an electronic medium and is retrievable in perceivable form.

(11) "Security procedure" means a procedure to verify that an electronic signature, record, or performance is that of a specific person or to detect a change or error in an electronic record. The term includes a procedure that uses an algorithm, code, identifying word or number, encryption, or callback or other acknowledgment procedure.

(12) "Settlor" means a person, including a testator, that creates or contributes property to a trust.

(13) "Sign" means, with present intent to authenticate or adopt a record:

(i) execute or adopt a tangible symbol; or

(ii) attach to or logically associate with the record an electronic signature.

(14) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or other territory or possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian Tribe.

(15) "Terms of a trust" means the manifestation of the settlor's intent regarding a trust's provisions as expressed in the trust instrument or as may be established by other evidence that would be admissible in a judicial proceeding.

(16) "Trust instrument" means an instrument executed by the settlor that contains terms of the trust, including any amendments.

(17) "Will" includes an electronic will, any codicil to a will or electronic will, and a testamentary instrument which merely appoints an executor, revokes or revises another will, electronic will, or codicil.

History: *2026 c 45 s 2*