



General Assembly

January Session, 2003

**Committee Bill No. 5033**

LCO No. 4553

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE STATUTORY SHORT FORM POWER OF ATTORNEY AND THE RULES OF STATUTORY INTERPRETATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-43 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) The use of the following form in the creation of a power of  
4 attorney is authorized, and, when used, it shall be construed in  
5 accordance with the provisions of this chapter:

6 "Notice: The powers granted by this document are broad and  
7 sweeping. They are defined in Connecticut Statutory Short Form  
8 Power of Attorney Act, sections 1-42 to 1-56, inclusive, of the general  
9 statutes, which expressly permits the use of any other or different form  
10 of power of attorney desired by the parties concerned. The grantor of  
11 any power of attorney or the attorney-in-fact may make application to  
12 a court of probate for an accounting as provided in subsection (b) of  
13 section 45a-175.

14 Know All Men by These Presents, which are intended to constitute a

15 GENERAL POWER OF ATTORNEY pursuant to Connecticut  
16 Statutory Short Form Power of Attorney Act:

17 That I .... (insert name and address of the principal) do hereby  
18 appoint .... (insert name and address of the agent, or each agent, if  
19 more than one is designated) my attorney(s)-in-fact TO ACT .....

20 If more than one agent is designated and the principal wishes each  
21 agent alone to be able to exercise the power conferred, insert in this  
22 blank the word 'severally'. Failure to make any insertion or the  
23 insertion of the word 'jointly' shall require the agents to act jointly.

24 First: In my name, place and stead in any way which I myself could  
25 do, if I were personally present, with respect to the following matters  
26 as each of them is defined in the Connecticut Statutory Short Form  
27 Power of Attorney Act to the extent that I am permitted by law to act  
28 through an agent:

29 (Strike out and initial in the opposite box any one or more of the  
30 subdivisions as to which the principal does NOT desire to give the  
31 agent authority. Such elimination of any one or more of subdivisions  
32 (A) to [(L)] (M), inclusive, shall automatically constitute an elimination  
33 also of subdivision [(M)] (N).)

34 To strike out any subdivision the principal must draw a line  
35 through the text of that subdivision AND write his or her initials in the  
36 box opposite.

- T1 (A) real estate transactions; ( )
- T2 (B) chattel and goods transactions; ( )
- T3 (C) bond, share and commodity transactions; ( )
- T4 (D) banking transactions; ( )
- T5 (E) business operating transactions; ( )
- T6 (F) insurance transactions; ( )

- T7 (G) estate transactions; ( )
- T8 (H) claims and litigation; ( )
- T9 (I) personal relationships and affairs; ( )
- T10 (J) benefits from military service; ( )
- T11 (K) records, reports and statements; ( )
- T12 (L) health care decisions; ( )
- T13 (M) conveyance of property as a gift; ( )
- T14 [(M)] (N) all other matters; ( )
- T15 .....
- T16 .....
- T17 .....
- T18 .....

37 (Special provisions and limitations may be included in the statutory  
 38 short form power of attorney only if they conform to the requirements  
 39 of the Connecticut Statutory Short Form Power of Attorney Act.)

40 Second: With full and unqualified authority to delegate any or all of  
 41 the foregoing powers to any person or persons whom my attorney(s)-  
 42 in-fact shall select;

43 Third: Hereby ratifying and confirming all that said attorney(s) or  
 44 substitute(s) do or cause to be done.

45 In Witness Whereof I have hereunto signed my name and affixed  
 46 my seal this .... day of ..., 20...

47 .... (Signature of Principal) (Seal)

48 (ACKNOWLEDGMENT)

49 Witness: ....

50 Witness: ....

51 Notice to agent or agents: By accepting this designation you  
52 acknowledge that you have a fiduciary duty to the principal to act in  
53 good faith solely to promote the interests of the principal.

54 .... (Signature of agent or agents)"

55 The execution of this statutory short form power of attorney shall be  
56 duly acknowledged by the principal in the manner prescribed for the  
57 acknowledgment of a conveyance of real property.

58 The execution of this statutory short form power of attorney shall be  
59 witnessed by two disinterested persons who shall state under oath that  
60 the principal appears to be of sound mind, is able to understand the  
61 powers granted and the consequences thereof and does not appear to  
62 be under the improper influence of another person. The principal shall  
63 be presumed to be of sound mind if he or she displays knowledge of  
64 his or her identity, his or her whereabouts, the date and current events.

65 No provision of this chapter shall be construed to bar the use of any  
66 other or different form of power of attorney desired by the parties  
67 concerned.

68 Every statutory short form power of attorney shall contain, in  
69 boldface type or a reasonable equivalent thereof, the "Notice" at the  
70 beginning of this section.

71 (b) A power of attorney is a "statutory short form power of  
72 attorney", as this phrase is used in this chapter, when it is in writing,  
73 has been duly acknowledged by the principal and contains the exact  
74 wording of clause First set forth in subsection (a) of this section, except  
75 that any one or more of subdivisions (A) to [(M)] (N) may be stricken  
76 out and initialed by the principal, in which case the subdivisions so  
77 stricken out and initialed and also subdivision [(M)] (N) shall be  
78 deemed eliminated. A statutory short form power of attorney may  
79 contain modifications or additions of the types described in section 1-

80 56.

81 (c) If more than one agent is designated by the principal, such  
82 agents, in the exercise of the powers conferred, shall act jointly unless  
83 the principal specifically provides in such statutory short form power  
84 of attorney that they are to act severally.

85 (d) (1) The principal may indicate that a power of attorney duly  
86 acknowledged in accordance with this section shall take effect upon  
87 the occurrence of a specified contingency, including a date certain or  
88 the occurrence of an event, provided that an agent designated by the  
89 principal executes a written affidavit in accordance with section 1-56h  
90 that such contingency has occurred.

91 (2) The principal may indicate the circumstance or date certain upon  
92 which the power of attorney shall cease to be effective.

93 (e) The authority to act with respect to any matter set forth in  
94 subdivisions (A) to (L), inclusive, of subsection (a) of this section does  
95 not include the authority to convey property as a gift.

96 (f) A power of attorney is not effective unless the notice of fiduciary  
97 duty contained on the form set forth in subsection (a) of this section  
98 has been signed by the agent or agents.

99 (g) The principal may require that the agent or agents make an  
100 accounting to the principal or to a third party designated by the  
101 principal on a specified schedule. If any agent who has been required  
102 by the principal to make such accounting fails to do so within thirty  
103 days of the date specified in the schedule, the power of attorney shall  
104 cease to be effective.

105 Sec. 2. (NEW) (*Effective October 1, 2003*) In a statutory short form  
106 power of attorney, the language conferring general authority with  
107 respect to conveyance of property as a gift shall specify (1) the person  
108 or persons to whom a gift may be made, (2) the limit, if any, on the  
109 value of a gift that may be made, and (3) the purposes for which a gift

110 may be made. If the principal fails to specify any such information, the  
111 grant of the authority to convey property as a gift shall be ineffective.

112 Sec. 3. (NEW) (Effective October 1, 2003) Any agent who intentionally  
113 exceeds the authority conferred upon him or her pursuant to a power  
114 of attorney under chapter 7 of the general statutes shall be fined not  
115 more than one thousand dollars or imprisoned not more than one year,  
116 or both.

117 Sec. 4. (NEW) (Effective from passage) The meaning of a statute shall  
118 be ascertained from the text of the statute itself and, if the meaning of  
119 such text is plain and unambiguous and does not yield absurd or  
120 unworkable results, extratextual evidence of the meaning of the statute  
121 shall not be considered.

This act shall take effect as follows:	
Section 1	October 1, 2003
Sec. 2	October 1, 2003
Sec. 3	October 1, 2003
Sec. 4	from passage

**Statement of Purpose:**

To provide additional protection for persons who execute a statutory short form power of attorney designating an agent to act on their behalf with respect to certain matters and transactions and to reaffirm the plain meaning rule for statutory interpretation.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. ROWE, 123rd Dist.

H.B. 5033