

SENATE BILL NO. 60
INTRODUCED BY MAZUREK

IN THE SENATE

January 7, 1985	Introduced and referred to Committee on Judiciary.
January 23, 1985	Committee recommend bill do pass as amended. Report adopted.
January 24, 1985	Bill printed and placed on members' desks.
January 25, 1985	Second reading, do pass.
January 26, 1985	Considered correctly engrossed.
January 28, 1985	Third reading, passed. Ayes, 48; Noes, 0.
	Transmitted to House.

IN THE HOUSE

January 29, 1985	Introduced and referred to Committee on Judiciary.
March 8, 1985	Committee recommend bill be concurred in. Report adopted.
March 9, 1985	Second reading, concurred in.
March 12, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 13, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

1 SENATE BILL NO. 60
2 INTRODUCED BY MAZUREK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REPLACE THE UNIFORM
5 GIFTS TO MINORS ACT WITH THE UNIFORM TRANSFERS TO MINORS
6 ACT; REPEALING TITLE 72, CHAPTER 26, PARTS 1 THROUGH 4, MCA;
7 AND PROVIDING AN APPLICABILITY CLAUSE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Short title. [This act] may be cited as the
11 "Montana Uniform Transfers to Minors Act".

12 Section 2. Uniformity of application and construction.
13 [This act] must be applied and construed to effectuate its
14 general purpose to make uniform the law with respect to the
15 subject of [this act] among states enacting it.

16 Section 3. Definitions. As used in [this act], unless
17 the context requires otherwise, the following definitions
18 apply:

19 (1) "Adult" means an individual who has attained the
20 age of 21 years.

21 (2) "Benefit plan" means an employer's plan for the
22 benefit of an employee or partner.

23 (3) "Broker" means a person lawfully engaged in the
24 business of effecting transactions in securities or
25 commodities for the person's own account or for the account

1 of others.

2 (4) "Conservator" means a person appointed or
3 qualified by a court to act as general, limited, or
4 temporary guardian of a minor's property or a person legally
5 authorized to perform substantially the same functions.

6 (5) "Court" means district court.

7 (6) "Custodial property" means:

8 (a) any interest in property transferred to a
9 custodian under [this act]; and

10 (b) the income from and proceeds of that interest in
11 property.

12 (7) "Custodian" means a person so designated under
13 [section 11] or a successor or substitute custodian
14 designated under [section 20].

15 (8) "Financial institution" means a bank, trust
16 company, savings institution, or credit union chartered and
17 supervised under state or federal law.

18 (9) "Legal representative" means an individual's
19 personal representative or conservator.

20 (10) "Member of the minor's family" means the minor's
21 parent, stepparent, spouse, grandparent, brother, sister,
22 uncle, or aunt, whether of the whole or half blood or by
23 adoption.

24 (11) "Minor" means an individual who has not attained
25 the age of 21 years.



1 (12) "Person" means an individual, corporation,
2 organization, or other legal entity.

3 (13) "Personal representative" means an executor,
4 administrator, successor personal representative, or special
5 administrator of a decedent's estate or a person legally
6 authorized to perform substantially the same functions.

7 (14) "State" includes any state of the United States,
8 the District of Columbia, the Commonwealth of Puerto Rico,
9 and any territory or possession subject to the legislative
10 authority of the United States.

11 (15) "Transfer" means a transaction that creates
12 custodial property under [section 11].

13 (16) "Transferor" means a person who makes a transfer
14 under [this act].

15 (17) "Trust company" means a financial institution,
16 corporation, or other legal entity authorized to exercise
17 general trust powers.

18 Section 4. Scope and jurisdiction. (1) [This act]
19 applies to a transfer that refers to [this act] in the
20 designation under [section 11(1)] by which the transfer is
21 made if at the time of the transfer, the transferor, the
22 minor, or the custodian is a resident of this state or the
23 custodial property is located in this state. The
24 custodianship so created remains subject to [this act]
25 despite a subsequent change in residence of a transferor,

1 the minor, or the custodian or the removal of custodial
2 property from this state.

3 (2) A person designated as custodian under [this act]
4 is subject to personal jurisdiction in this state with
5 respect to any matter relating to the custodianship.

6 (3) A transfer that purports to be made and which is
7 valid under the Uniform Transfers to Minors Act, the Uniform
8 Gifts to Minors Act, or a substantially similar act of
9 another state is governed by the law of the designated state
10 and may be executed and is enforceable in this state if at
11 the time of the transfer, the transferor, the minor, or the
12 custodian is a resident of the designated state or the
13 custodial property is located in the designated state.

14 Section 5. Nomination of custodian. (1) A person
15 having the right to designate the recipient of property
16 transferable upon the occurrence of a future event may
17 revocably nominate a custodian to receive the property for a
18 minor beneficiary upon the occurrence of the event by naming
19 the custodian, followed in substance by the words: "as
20 custodian for (name of minor) under the Montana
21 Uniform Transfers to Minors Act". The nomination may name
22 one or more persons as substitute custodians to whom the
23 property must be transferred, in the order named, if the
24 first nominated custodian dies before the transfer or is
25 unable, declines, or is ineligible to serve. The nomination

1 may be made in a will, a trust, a deed, an instrument
 2 exercising a power of appointment, or in a writing
 3 designating a beneficiary of contractual rights that is
 4 registered with or delivered to the payor, issuer, or other
 5 obligor of the contractual rights.

6 (2) A custodian nominated under this section must be a
 7 person to whom a transfer of property of that kind may be
 8 made under [section 11(1)].

9 (3) The nomination of a custodian under this section
 10 does not create custodial property until the nominating
 11 instrument becomes irrevocable or a transfer to the
 12 nominated custodian is completed under [section 11]. Unless
 13 the nomination of a custodian has been revoked, upon the
 14 occurrence of the future event the custodianship becomes
 15 effective and the custodian shall enforce a transfer of the
 16 custodial property pursuant to [section 11].

17 Section 6. Transfer by gift or exercise of power of
 18 appointment. A person may make a transfer by irrevocable
 19 gift to or the irrevocable exercise of a power of
 20 appointment in favor of a custodian for the benefit of a
 21 minor pursuant to [section 11].

22 Section 7. Transfer authorized by will or trust. (1) A
 23 personal representative or trustee may make an irrevocable
 24 transfer pursuant to [section 11] to a custodian for the
 25 benefit of a minor as authorized in the governing will or

1 trust.

2 (2) If the testator or settlor has nominated a
 3 custodian under [section 5] to receive the custodial
 4 property, the transfer must be made to that person.

5 (3) If the testator or settlor has not nominated a
 6 custodian under [section 5] or all persons so nominated as
 7 custodian die before the transfer or are unable, decline, or
 8 are ineligible to serve, the personal representative or the
 9 trustee, as the case may be, shall designate the custodian
 10 from among those eligible to serve as custodian for property
 11 of that kind under [section 11(1)].

12 Section 8. Other transfer by fiduciary. (1) Subject to
 13 subsection (3), a personal representative or trustee may
 14 make an irrevocable transfer to another adult or trust
 15 company as custodian for the benefit of a minor pursuant to
 16 [section 11], in the absence of a will or under a will or
 17 trust that does not contain an authorization to do so.

18 (2) Subject to subsection (3), a conservator may make
 19 an irrevocable transfer to another adult or trust company as
 20 custodian for the benefit of the minor pursuant to [section
 21 11].

22 (3) A transfer under subsection (1) or (2) may be made
 23 only if:

24 (a) the personal representative, trustee, or
 25 conservator considers the transfer to be in the best

1 interest of the minor;

2 (b) the transfer is not prohibited by or inconsistent
3 with provisions of the applicable will, trust agreement, or
4 other governing instrument; and

5 (c) the transfer is authorized by the court if it
6 exceeds \$10,000 in value.

7 Section 9. Transfer by obligor. (1) Subject to
8 subsections (2) and (3), a person not subject to [section 7
9 or 8] who holds property of or owes a liquidated debt to a
10 minor not having a conservator may make an irrevocable
11 transfer to a custodian for the benefit of the minor
12 pursuant to [section 11].

13 (2) If a person having the right to do so under
14 [section 5] has nominated a custodian under that section to
15 receive the custodial property, the transfer must be made to
16 that person.

17 (3) If no custodian has been nominated under [section
18 5] or all persons so nominated as custodian die before the
19 transfer or are unable, decline, or are ineligible to serve,
20 a transfer under this section may be made to an adult member
21 of the minor's family or to a trust company unless the
22 property exceeds \$10,000 in value.

23 Section 10. Receipt for custodial property. A written
24 acknowledgment of delivery by a custodian constitutes a
25 sufficient receipt and discharge for custodial property

1 transferred to the custodian pursuant to [this act].

2 Section 11. Manner of creating custodial property and
3 effecting transfer -- designation of initial custodian --
4 control. (1) Custodial property is created and a transfer is
5 made whenever:

6 (a) an uncertificated security or a certificated
7 security in registered form is either:

8 (i) registered in the name of the transferor, an adult
9 other than the transferor, or a trust company, followed in
10 substance by the words: "as custodian for (name of
11 minor) under the Montana Uniform Transfers to Minors Act";
12 or

13 (ii) delivered if in certificated form, or any document
14 necessary for the transfer of an uncertificated security is
15 delivered, together with any necessary endorsement to an
16 adult other than the transferor or to a trust company as
17 custodian, accompanied by an instrument in substantially the
18 form set forth in subsection (2);

19 (b) money is paid or delivered to a broker or
20 financial institution for credit to an account in the name
21 of the transferor, an adult other than the transferor, or a
22 trust company, followed in substance by the words: "as
23 custodian for (name of minor) under the Montana
24 Uniform Transfers to Minors Act";

25 (c) the ownership of a life or endowment insurance

1 policy or annuity contract is either:

2 (i) registered with the issuer in the name of the
3 transferor, an adult other than the transferor, or a trust
4 company, followed in substance by the words: "as custodian
5 for (name of minor) under the Montana Uniform
6 Transfers to Minors Act"; or

7 (ii) assigned in a writing delivered to an adult other
8 than the transferor or to a trust company whose name in the
9 assignment is followed in substance by the words: "as
10 custodian for (name of minor) under the Montana
11 Uniform Transfers to Minors Act";

12 (d) an irrevocable exercise of a power of appointment
13 or an irrevocable present right to future payment under a
14 contract is the subject of a written notification delivered
15 to the payor, issuer, or other obligor that the right is
16 transferred to the transferor, an adult other than the
17 transferor, or a trust company, whose name in the
18 notification is followed in substance by the words: "as
19 custodian for (name of minor) under the Montana
20 Uniform Transfers to Minors Act";

21 (e) an interest in real property is recorded in the
22 name of the transferor, an adult other than the transferor,
23 or a trust company, followed in substance by the words: "as
24 custodian for (name of minor) under the Montana
25 Uniform Transfers to Minors Act";

1 (f) a certificate of title issued by a department or
2 agency of a state or of the United States which evidences
3 title to tangible personal property is either:

4 (i) issued in the name of the transferor, an adult
5 other than the transferor, or a trust company, followed in
6 substance by the words: "as custodian for (name of
7 minor) under the Montana Uniform Transfers to Minors Act";
8 or

9 (ii) delivered to an adult other than the transferor or
10 to a trust company, endorsed to that person, followed in
11 substance by the words: "as custodian for (name of
12 minor) under the Montana Uniform Transfers to Minors Act";
13 or

14 (g) an interest in any property not described in
15 subsections (1)(a) through (1)(f) is transferred to an adult
16 other than the transferor or to a trust company by a written
17 instrument in substantially the form set forth in subsection
18 (2).

19 (2) An instrument in the following form satisfies the
20 requirements of subsections (1)(a)(ii) and (1)(g):

21 "TRANSFER UNDER THE MONTANA UNIFORM TRANSFERS TO MINORS ACT
22 I, (name of transferor or name and
23 representative capacity if a fiduciary) hereby transfer to
24 (name of custodian), as custodian for
25 (name of minor) under the Montana Uniform Transfers to

1 Minors Act, the following: (insert a description of the
2 custodial property sufficient to identify it).

3 Dated:
4

5 (Signature)
6 (name of custodian) acknowledges receipt of
7 the property described above as custodian for the minor
8 named above under the Montana Uniform Transfers to Minors
9 Act.

10 Dated:
11

12 (Signature of Custodian)"
13 (3) A transferor shall place the custodian in control
14 of the custodial property as soon as practicable.

15 Section 12. Single custodianship. A transfer may be
16 made only for one minor, and only one person may be the
17 custodian. All custodial property held under [this act] by
18 the same custodian for the benefit of the same minor
19 constitutes a single custodianship.

20 Section 13. Validity and effect of transfer. (1) The
21 validity of a transfer made in a manner prescribed in [this
22 act] is not affected by:

- 23 (a) failure of the transferor to comply with [section
24 11(3)] concerning possession and control;
- 25 (b) designation of an ineligible custodian, except

1 designation of the transferor in the case of property for
2 which the transferor is ineligible to serve as custodian
3 under [section 11(1)]; or

4 (c) death or incapacity of a person nominated under
5 [section 5] or designated under [section 11] as custodian or
6 the disclaimer of the office by that person.

7 (2) A transfer made pursuant to [section 11] is
8 irrevocable, and the custodial property is infeasibly
9 vested in the minor, but the custodian has all the rights,
10 powers, duties, and authority provided in [this act], and
11 neither the minor nor the minor's legal representative has
12 any right, power, duty, or authority with respect to the
13 custodial property except as provided in [this act].

14 (3) By making a transfer, the transferor incorporates
15 in the disposition all the provisions of [this act] and
16 grants to the custodian, and to any third person dealing
17 with a person designated as custodian, the respective
18 powers, rights, and immunities provided in [this act].

19 Section 14. Care of custodial property. (1) A
20 custodian shall:

- 21 (a) take control of custodial property;
- 22 (b) register or record title to custodial property if
23 appropriate; and
- 24 (c) collect, hold, manage, invest, and reinvest
25 custodial property.

1 (2) In dealing with custodial property, a custodian
 2 shall observe the standard of care that would be observed by
 3 a prudent person dealing with property of another and is not
 4 limited by any other statute restricting investments by
 5 fiduciaries. If a custodian has a special skill or expertise
 6 or is named custodian on the basis of representations of a
 7 special skill or expertise, the custodian shall use that
 8 skill or expertise. However, a custodian, in the custodian's
 9 discretion and without liability to the minor or the minor's
 10 estate, may retain any custodial property received from a
 11 transferor.

12 (3) A custodian may invest in or pay premiums on life
 13 insurance or endowment policies on:

14 (a) the life of the minor only if the minor or the
 15 minor's estate is the sole beneficiary; or

16 (b) the life of another person in whom the minor has
 17 an insurable interest only to the extent that the minor, the
 18 minor's estate, or the custodian, in the capacity of
 19 custodian, is the irrevocable beneficiary.

20 (4) A custodian at all times shall keep custodial
 21 property separate and distinct from all other property in a
 22 manner sufficient to identify it clearly as custodial
 23 property of the minor. Custodial property consisting of an
 24 undivided interest is so identified if the minor's interest
 25 is held as a tenant in common and is fixed. Custodial

1 property subject to recordation is so identified if it is
 2 recorded, and custodial property subject to registration is
 3 so identified if it is either registered or held in an
 4 account designated in the name of the custodian, follow in
 5 substance by the words: "as a custodian for (name
 6 of minor) under the Montana Uniform Transfers to Minors
 7 Act".

8 (5) A custodian shall keep records of all transactions
 9 with respect to custodial property, including information
 10 necessary for the preparation of the minor's tax returns,
 11 and shall make them available for inspection at reasonable
 12 intervals by a parent or legal representative of the minor
 13 or by the minor if the minor has attained the age of 14
 14 years.

15 Section 15. Powers of custodian. (1) A custodian,
 16 acting in a custodial capacity, has all the rights, powers,
 17 and authority over custodial property that unmarried adult
 18 owners have over their own property, but a custodian may
 19 exercise those rights, powers, and authority in that
 20 capacity only.

21 (2) This section does not relieve a custodian from
 22 liability for breach of [section 14].

23 Section 16. Use of custodial property. (1) A custodian
 24 may deliver or pay to the minor or expend for the minor's
 25 benefit so much of the custodial property as the custodian

1 considers advisable for the use and benefit of the minor,
2 without court order and without regard to:

3 (a) the duty or ability of the custodian personally or
4 of any other person to support the minor; or

5 (b) any other income or property of the minor which
6 may be applicable or available for that purpose.

7 (2) On petition of an interested person or the minor
8 if the minor has attained the age of 14 years, the court may
9 order the custodian to deliver or pay to the minor or expend
10 for the minor's benefit so much of the custodial property as
11 the court considers advisable for the use and benefit of the
12 minor.

13 (3) A delivery, payment, or expenditure under this
14 section is in addition to, not in substitution for, and does
15 not affect any obligation of a person to support the minor.

16 Section 17. Custodian's expenses, compensation, and
17 bond. (1) A custodian is entitled to reimbursement from
18 custodial property for reasonable expenses incurred in the
19 performance of the custodian's duties.

20 (2) Except for one who is a transferor under [section
21 6], a custodian has a noncumulative election during each
22 calendar year to charge reasonable compensation for services
23 performed during that year.

24 (3) Except as provided in [section 20(6)], a custodian
25 need not give a bond.

1 Section 18. Exemption of third person from liability.

2 A third person in good faith and without court order may act
3 on the instructions of or otherwise deal with any person
4 purporting to make a transfer or purporting to act in the
5 capacity of a custodian and, in the absence of knowledge, is
6 not responsible for determining:

7 (1) the validity of the purported custodian's
8 designation;

9 (2) the propriety of or the authority under [this act]
10 for any act of the purported custodian;

11 (3) the validity or propriety under [this act] of any
12 instrument or instructions executed or given either by the
13 person purporting to make a transfer or by the purported
14 custodian; or

15 (4) the propriety of the application of any property
16 of the minor delivered to the purported custodian.

17 Section 19. Liability to third persons. (1) A claim
18 may be asserted against the custodial property by proceeding
19 against the custodian in the custodial capacity, whether or
20 not the custodian or the minor is personally liable therefor
21 when it is based on:

22 (a) a contract entered into by a custodian acting in a
23 custodial capacity;

24 (b) an obligation arising from the ownership or
25 control of custodial property; or

1 (c) a tort committed during the custodianship.

2 (3) A custodian is not personally liable:

3 (a) on a contract properly entered into in the
4 custodial capacity unless the custodian fails to reveal that
5 capacity and to identify the custodianship in the contract;
6 or

7 (b) for an obligation arising from control of
8 custodial property or for a tort committed during the
9 custodianship unless the custodian is personally at fault.

10 (3) A minor is not personally liable for an obligation
11 arising from ownership of custodial property or for a tort
12 committed during the custodianship unless the minor is
13 personally at fault.

14 Section 20. Renunciation, resignation, death, or
15 removal of custodian -- designation of successor custodian.

16 (1) A person nominated under [section 5] or designated under
17 [section 11] as custodian may decline to serve by delivering
18 a valid disclaimer to the person who made the nomination or
19 to the transferor or the transferor's legal representative.
20 If the event giving rise to a transfer has not occurred and
21 no substitute custodian able, willing, and eligible to serve
22 was nominated under [section 5], the person who made the
23 nomination may nominate a substitute custodian under
24 [section 5]; otherwise the transferor or the transferor's
25 legal representative shall designate a substitute custodian

1 at the time of the transfer, in either case from among the
2 persons eligible to serve as custodian for that kind of
3 property under [section 11(1)]. The custodian so designated
4 has the rights of a successor custodian.

5 (2) A custodian at any time may designate a trust
6 company or an adult other than a transferor under [section
7 6] as successor custodian by executing and dating an
8 instrument of designation before a subscribing witness other
9 than the successor. If the instrument of designation does
10 not contain or is not accompanied by the resignation of the
11 custodian, the designation of the successor does not take
12 effect until the custodian resigns, dies, becomes
13 incapacitated, or is removed.

14 (3) A custodian may resign at any time by delivering
15 written notice to the minor if the minor has attained the
16 age of 14 years and to the successor custodian and by
17 delivering the custodial property to the successor
18 custodian.

19 (4) If a custodian is ineligible, dies, or becomes
20 incapacitated without having effectively designated a
21 successor and the minor has attained the age of 14 years,
22 the minor may designate as successor custodian, in the
23 manner prescribed in subsection (2), an adult member of the
24 minor's family, a conservator of the minor, or a trust
25 company. If the minor has not attained the age of 14 years

1 or fails to act within 60 days after the ineligibility,
 2 death, or incapacity, the conservator of the minor becomes
 3 successor custodian. If the minor has no conservator or the
 4 conservator declines to act, the transferor, the legal
 5 representative of the transferor or of the custodian, an
 6 adult member of the minor's family, or any other interested
 7 person may petition the court to designate a successor
 8 custodian.

9 (5) A custodian who declines to serve under subsection
 10 (1) or resigns under subsection (3) or the legal
 11 representative of a deceased or incapacitated custodian, as
 12 soon as practicable, shall put the custodial property and
 13 records in the possession and control of the successor
 14 custodian. The successor custodian by action may enforce the
 15 obligation to deliver custodial property and records and
 16 becomes responsible for each item as received.

17 (6) A transferor, the legal representative of a
 18 transferor, an adult member of the minor's family, a
 19 guardian of the person of the minor, the conservator of the
 20 minor, or the minor if the minor has attained the age of 14
 21 years may petition the court to remove the custodian for
 22 cause and to designate a successor custodian other than a
 23 transferor under [section 6] or to require the custodian to
 24 give appropriate bond.

25 Section 21. Accounting by and determination of

1 liability of custodian. (1) A minor who has attained the age
 2 of 14 years, the minor's guardian of the person or legal
 3 representative, an adult member of the minor's family, a
 4 transferor, or a transferor's legal representative may
 5 petition the court:

6 (a) for an accounting by the custodian or the
 7 custodian's legal representative; or

8 (b) for a determination of responsibility, as between
 9 the custodial property and the custodian personally, for
 10 claims against the custodial property unless the
 11 responsibility has been adjudicated in an action under
 12 [section 19] to which the minor or the minor's legal
 13 representative was a party.

14 (2) A successor custodian may petition the court for
 15 an accounting by the predecessor custodian.

16 (3) The court, in a proceeding under [this act] or in
 17 any other proceeding, may require or permit the custodian or
 18 the custodian's legal representative to account.

19 (4) If a custodian is removed under [section 20(6)],
 20 the court shall require an accounting and order delivery of
 21 the custodial property and records to the successor
 22 custodian and the execution of all instruments required for
 23 transfer of the custodial property.

24 Section 22. Termination of custodianship. The
 25 custodian shall transfer in an appropriate manner the

1 custodial property to the minor or to the minor's estate
2 upon the earlier of:

3 (1) the minor's attainment of 21 years of age with
4 respect to custodial property transferred under [section 6
5 or 7];

6 (2) the minor's attainment of 18 years of age with
7 respect to custodial property transferred under [section 8
8 or 9]; or

9 (3) the minor's death.

10 Section 23. Applicability. This act applies to a
11 transfer within the scope of [section 4] made after October
12 1, 1985, if:

13 (1) the transfer purports to have been made under the
14 provisions of Title 72, chapter 26, parts 1 through 4
15 (repealed by [section 25]);

16 (2) the instrument by which the transfer purports to
17 have been made uses in substance the designation "as
18 custodian under the Uniform Gifts to Minors Act" or "as
19 custodian under the Uniform Transfers to Minors Act" of any
20 other state, and the application of this act is necessary to
21 validate the transfer.

22 Section 24. Effect on existing custodianships. (1) Any
23 transfer of custodial property as now defined in [this act]
24 made before October 1, 1985, is validated notwithstanding
25 that there was no specific authority in Title 72, chapter

1 26, parts 1 through 4 (repealed by [section 25]), for the
2 coverage of custodial property of that kind or for a
3 transfer from that source at the time the transfer was made.

4 (2) [This act] applies to all transfers made before
5 October 1, 1985, in a manner and form prescribed in Title
6 72, chapter 26, parts 1 through 4, except insofar as the
7 application impairs constitutionally vested rights or
8 extends the duration of custodianships in existence on
9 October 1, 1985.

10 (3) [Sections 3 and 22] with respect to the age of a
11 minor for whom custodial property is held under [this act]
12 do not apply to custodial property held in a custodianship
13 that terminated because of the minor's attainment of the age
14 of 18 before October 1, 1985.

15 Section 25. Repealer. Title 72, chapter 26, parts 1
16 through 4, MCA, are repealed.

17 Section 26. Severability. If a part of this act is
18 invalid, all valid parts that are severable from the invalid
19 part remain in effect. If a part of this act is invalid in
20 one or more of its applications, the part remains in effect
21 in all valid applications that are severable from the
22 invalid applications.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 60

INTRODUCED BY MAZUREK

A BILL FOR AN ACT ENTITLED: "AN ACT TO REPLACE THE UNIFORM
GIFTS TO MINORS ACT WITH THE UNIFORM TRANSFERS TO MINORS
ACT; REPEALING TITLE 72, CHAPTER 26, PARTS 1 THROUGH 4, MCA;
AND PROVIDING AN APPLICABILITY CLAUSE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [This act] may be cited as the
"Montana Uniform Transfers to Minors Act".

Section 2. Uniformity of application and construction.
[This act] must be applied and construed to effectuate its
general purpose to make uniform the law with respect to the
subject of [this act] among states enacting it.

Section 3. Definitions. As used in [this act], unless
the context requires otherwise, the following definitions
apply:

(1) "Adult" means an individual who has attained the
age of ~~21~~ 18 years.

(2) "Benefit plan" means an employer's plan for the
benefit of an employee or partner.

(3) "Broker" means a person lawfully engaged in the
business of effecting transactions in securities or
commodities for the person's own account or for the account

of others.

(4) "Conservator" means a person appointed or
qualified by a court to act as general, limited, or
temporary guardian of a minor's property or a person legally
authorized to perform substantially the same functions.

(5) "Court" means district court.

(6) "Custodial property" means:

(a) any interest in property transferred to a
custodian under [this act]; and

(b) the income from and proceeds of that interest in
property.

(7) "Custodian" means a person so designated under
[section 11] or a successor or substitute custodian
designated under [section 20].

(8) "Financial institution" means a bank, trust
company, savings institution, or credit union chartered and
supervised under state or federal law.

(9) "Legal representative" means an individual's
personal representative or conservator.

(10) "Member of the minor's family" means the minor's
parent, stepparent, spouse, grandparent, brother, sister,
uncle, or aunt, whether of the whole or half blood or by
adoption.

(11) "Minor" means an individual who has not attained
the age of ~~21~~ 18 years.



1 (12) "Person" means an individual, corporation,
2 organization, or other legal entity.

3 (13) "Personal representative" means an executor,
4 administrator, successor personal representative, or special
5 administrator of a decedent's estate or a person legally
6 authorized to perform substantially the same functions.

7 (14) "State" includes any state of the United States,
8 the District of Columbia, the Commonwealth of Puerto Rico,
9 and any territory or possession subject to the legislative
10 authority of the United States.

11 (15) "Transfer" means a transaction that creates
12 custodial property under [section 11].

13 (16) "Transferor" means a person who makes a transfer
14 under [this act].

15 (17) "Trust company" means a financial institution,
16 corporation, or other legal entity authorized to exercise
17 general trust powers.

18 Section 4. Scope and jurisdiction. (1) [This act]
19 applies to a transfer that refers to [this act] in the
20 designation under [section 11(1)] by which the transfer is
21 made if at the time of the transfer, the transferor, the
22 minor, or the custodian is a resident of this state or the
23 custodial property is located in this state. The
24 custodianship so created remains subject to [this act]
25 despite a subsequent change in residence of a transferor,

1 the minor, or the custodian or the removal of custodial
2 property from this state.

3 (2) A person designated as custodian under [this act]
4 is subject to personal jurisdiction in this state with
5 respect to any matter relating to the custody of the property.

6 (3) A transfer that purports to be made and which is
7 valid under the Uniform Transfers to Minors Act, the Uniform
8 Gifts to Minors Act, or a substantially similar act of
9 another state is governed by the law of the designated state
10 and may be executed and is enforceable in this state if at
11 the time of the transfer, the transferor, the minor, or the
12 custodian is a resident of the designated state or the
13 custodial property is located in the designated state.

14 Section 5. Nomination of custodian. (1) A person
15 having the right to designate the recipient of property
16 transferable upon the occurrence of a future event may
17 revocably nominate a custodian to receive the property for a
18 minor beneficiary upon the occurrence of the event by naming
19 the custodian, followed in substance by the words: "as
20 custodian for (name of minor) under the Montana
21 Uniform Transfers to Minors Act". The nomination may name
22 one or more persons as substitute custodians to whom the
23 property must be transferred, in the order named, if the
24 first nominated custodian dies before the transfer or is
25 unable, declines, or is ineligible to serve. The nomination

1 may be made in a will, a trust, a deed, an instrument
 2 exercising a power of appointment, or in a writing
 3 designating a beneficiary of contractual rights that is
 4 registered with or delivered to the payor, issuer, or other
 5 obligor of the contractual rights.

6 (2) A custodian nominated under this section must be a
 7 person to whom a transfer of property of that kind may be
 8 made under [section 11(1)].

9 (3) The nomination of a custodian under this section
 10 does not create custodial property until the nominating
 11 instrument becomes irrevocable or a transfer to the
 12 nominated custodian is completed under [section 11]. Unless
 13 the nomination of a custodian has been revoked, upon the
 14 occurrence of the future event the custodianship becomes
 15 effective and the custodian shall enforce a transfer of the
 16 custodial property pursuant to [section 11].

17 Section 6. Transfer by gift or exercise of power of
 18 appointment. A person may make a transfer by irrevocable
 19 gift to or the irrevocable exercise of a power of
 20 appointment in favor of a custodian for the benefit of a
 21 minor pursuant to [section 11].

22 Section 7. Transfer authorized by will or trust. (1) A
 23 personal representative or trustee may make an irrevocable
 24 transfer pursuant to [section 11] to a custodian for the
 25 benefit of a minor as authorized in the governing will or

1 trust.

2 (2) If the testator or settlor has nominated a
 3 custodian under [section 5] to receive the custodial
 4 property, the transfer must be made to that person.

5 (3) If the testator or settlor has not nominated a
 6 custodian under [section 5] or all persons so nominated as
 7 custodian die before the transfer or are unable, decline, or
 8 are ineligible to serve, the personal representative or the
 9 trustee, as the case may be, shall designate the custodian
 10 from among those eligible to serve as custodian for property
 11 of that kind under [section 11(1)].

12 Section 8. Other transfer by fiduciary. (1) Subject to
 13 subsection (3), a personal representative or trustee may
 14 make an irrevocable transfer to another adult or trust
 15 company as custodian for the benefit of a minor pursuant to
 16 [section 11], in the absence of a will or under a will or
 17 trust that does not contain an authorization to do so.

18 (2) Subject to subsection (3), a conservator may make
 19 an irrevocable transfer to another adult or trust company as
 20 custodian for the benefit of the minor pursuant to [section
 21 11].

22 (3) A transfer under subsection (1) or (2) may be made
 23 only if:

24 (a) the personal representative, trustee, or
 25 conservator considers the transfer to be in the best

1 interest of the minor;

2 (b) the transfer is not prohibited by or inconsistent
3 with provisions of the applicable will, trust agreement, or
4 other governing instrument; and

5 (c) the transfer is authorized by the court if it
6 exceeds \$10,000 in value.

7 Section 9. Transfer by obligor. (1) Subject to
8 subsections (2) and (3), a person not subject to [section 7
9 or 8] who holds property of or owes a liquidated debt to a
10 minor not having a conservator may make an irrevocable
11 transfer to a custodian for the benefit of the minor
12 pursuant to [section 11].

13 (2) If a person having the right to do so under
14 [section 5] has nominated a custodian under that section to
15 receive the custodial property, the transfer must be made to
16 that person.

17 (3) If no custodian has been nominated under [section
18 5] or all persons so nominated as custodian die before the
19 transfer or are unable, decline, or are ineligible to serve,
20 a transfer under this section may be made to an adult member
21 of the minor's family or to a trust company unless the
22 property exceeds \$10,000 in value.

23 Section 10. Receipt for custodial property. A written
24 acknowledgment of delivery by a custodian constitutes a
25 sufficient receipt and discharge for custodial property

1 transferred to the custodian pursuant to [this act].

2 Section 11. Manner of creating custodial property and
3 effecting transfer -- designation of initial custodian --
4 control. (1) Custodial property is created and a transfer is
5 made whenever:

6 (a) an uncertificated security or a certificated
7 security in registered form is either:

8 (i) registered in the name of the transferor, an adult
9 other than the transferor, or a trust company, followed in
10 substance by the words: "as custodian for (name of
11 minor) under the Montana Uniform Transfers to Minors Act";
12 or

13 (ii) delivered if in certificated form, or any document
14 necessary for the transfer of an uncertificated security is
15 delivered, together with any necessary endorsement to an
16 adult other than the transferor or to a trust company as
17 custodian, accompanied by an instrument in substantially the
18 form set forth in subsection (2);

19 (b) money is paid or delivered to a broker or
20 financial institution for credit to an account in the name
21 of the transferor, an adult other than the transferor, or
22 trust company, followed in substance by the words: "as
23 custodian for (name of minor) under the Montana
24 Uniform Transfers to Minors Act";

25 (c) the ownership of a life or endowment insurance

1 policy or annuity contract is either:

2 (i) registered with the issuer in the name of the
3 transferor, an adult other than the transferor, or a trust
4 company, followed in substance by the words: "as custodian
5 for (name of minor) under the Montana Uniform
6 Transfers to Minors Act"; or

7 (ii) assigned in a writing delivered to an adult other
8 than the transferor or to a trust company whose name in the
9 assignment is followed in substance by the words: "as
10 custodian for (name of minor) under the Montana
11 Uniform Transfers to Minors Act";

12 (d) an irrevocable exercise of a power of appointment
13 or an irrevocable present right to future payment under a
14 contract is the subject of a written notification delivered
15 to the payor, issuer, or other obligor that the right is
16 transferred to the transferor, an adult other than the
17 transferor, or a trust company, whose name in the
18 notification is followed in substance by the words: "as
19 custodian for (name of minor) under the Montana
20 Uniform Transfers to Minors Act";

21 (e) an interest in real property is recorded in the
22 name of the transferor, an adult other than the transferor,
23 or a trust company, followed in substance by the words: "as
24 custodian for (name of minor) under the Montana
25 Uniform Transfers to Minors Act";

1 (f) a certificate of title issued by a department or
2 agency of a state or of the United States which evidences
3 title to tangible personal property is either:

4 (i) issued in the name of the transferor, an adult
5 other than the transferor, or a trust company, followed in
6 substance by the words: "as custodian for (name of
7 minor) under the Montana Uniform Transfers to Minors Act";

8 or

9 (ii) delivered to an adult other than the transferor or
10 to a trust company, endorsed to that person, followed in
11 substance by the words: "as custodian for (name of
12 minor) under the Montana Uniform Transfers to Minors Act";

13 or

14 (g) an interest in any property not described in
15 subsections (1)(a) through (1)(f) is transferred to an adult
16 other than the transferor or to a trust company by a written
17 instrument in substantially the form set forth in subsection
18 (2).

19 (2) An instrument in the following form satisfies the
20 requirements of subsections (1)(a)(ii) and (1)(g):

21 "TRANSFER UNDER THE MONTANA UNIFORM TRANSFERS TO MINORS ACT

22 I, (name of transferor or name and
23 representative capacity if a fiduciary) hereby transfer to
24 (name of custodian), as custodian for
25 (name of minor) under the Montana Uniform Transfers to

1 Minors Act, the following: (insert a description of the
2 custodial property sufficient to identify it).

3 Dated:
4
5 (Signature)

6 (name of custodian) acknowledges receipt of
7 the property described above as custodian for the minor
8 named above under the Montana Uniform Transfers to Minors
9 Act.

10 Dated:
11
12 (Signature of Custodian)"

13 (3) A transferor shall place the custodian in control
14 of the custodial property as soon as practicable.

15 Section 12. Single custodianship. A transfer may be
16 made only for one minor, and only one person may be the
17 custodian. All custodial property held under [this act] by
18 the same custodian for the benefit of the same minor
19 constitutes a single custodianship.

20 Section 13. Validity and effect of transfer. (1) The
21 validity of a transfer made in a manner prescribed in [this
22 act] is not affected by:

- 23 (a) failure of the transferor to comply with [section
24 11(3)] concerning possession and control;
- 25 (b) designation of an ineligible custodian, except

1 designation of the transferor in the case of property for
2 which the transferor is ineligible to serve as custodian
3 under [section 11(1)]; or

4 (c) death or incapacity of a person nominated under
5 [section 5] or designated under [section 1.] as custodian or
6 the disclaimer of the office by that person.

7 (2) A transfer made pursuant to [section 11] is
8 irrevocable, and the custodial property is indefeasibly
9 vested in the minor, but the custodian has all the rights,
10 powers, duties, and authority provided in [this act], and
11 neither the minor nor the minor's legal representative has
12 any right, power, duty, or authority with respect to the
13 custodial property except as provided in [this act].

14 (3) By making a transfer, the transferor incorporates
15 in the disposition all the provisions of [this act] and
16 grants to the custodian, and to any third person dealing
17 with a person designated as custodian, the respective
18 powers, rights, and immunities provided in [this act].

19 Section 14. Care of custodial property. (1) A
20 custodian shall:

- 21 (a) take control of custodial property;
- 22 (b) register or record title to custodial property if
23 appropriate; and
- 24 (c) collect, hold, manage, invest, and reinvest
25 custodial property.

1 (2) In dealing with custodial property, a custodian
 2 shall observe the standard of care that would be observed by
 3 a prudent person dealing with property of another and is not
 4 limited by any other statute restricting investments by
 5 fiduciaries. If a custodian has a special skill or expertise
 6 or is named custodian on the basis of representations of a
 7 special skill or expertise, the custodian shall use that
 8 skill or expertise. However, a custodian, in the custodian's
 9 discretion and without liability to the minor or the minor's
 10 estate, may retain any custodial property received from a
 11 transferor.

12 (3) A custodian may invest in or pay premiums on life
 13 insurance or endowment policies on:

14 (a) the life of the minor only if the minor or the
 15 minor's estate is the sole beneficiary; or

16 (b) the life of another person in whom the minor has
 17 an insurable interest only to the extent that the minor, the
 18 minor's estate, or the custodian, in the capacity of
 19 custodian, is the irrevocable beneficiary.

20 (4) A custodian at all times shall keep custodial
 21 property separate and distinct from all other property in a
 22 manner sufficient to identify it clearly as custodial
 23 property of the minor. Custodial property consisting of an
 24 undivided interest is so identified if the minor's interest
 25 is held as a tenant in common and is fixed. Custodial

1 property subject to recordation is so identified if it is
 2 recorded, and custodial property subject to registration is
 3 so identified if it is either registered or held in an
 4 account designated in the name of the custodian, followed in
 5 substance by the words: "as a custodian for (name
 6 of minor) under the Montana Uniform Transfers to Minors
 7 Act".

8 (5) A custodian shall keep records of all transactions
 9 with respect to custodial property, including information
 10 necessary for the preparation of the minor's tax returns,
 11 and shall make them available for inspection at reasonable
 12 intervals by a parent or legal representative of the minor
 13 or by the minor if the minor has attained the age of 14
 14 years.

15 Section 15. Powers of custodian. (1) A custodian,
 16 acting in a custodial capacity, has all the rights, powers,
 17 and authority over custodial property that unmarried adult
 18 owners have over their own property, but a custodian may
 19 exercise those rights, powers, and authority in that
 20 capacity only.

21 (2) This section does not relieve a custodian from
 22 liability for breach of [section 14].

23 Section 16. Use of custodial property. (1) A custodian
 24 may deliver or pay to the minor or expend for the minor's
 25 benefit so much of the custodial property as the custodian

1 considers advisable for the use and benefit of the minor,
2 without court order and without regard to:

3 (a) the duty or ability of the custodian personally or
4 of any other person to support the minor; or

5 (b) any other income or property of the minor which
6 may be applicable or available for that purpose.

7 (2) On petition of an interested person or the minor
8 if the minor has attained the age of 14 years, the court may
9 order the custodian to deliver or pay to the minor or expend
10 for the minor's benefit so much of the custodial property as
11 the court considers advisable for the use and benefit of the
12 minor.

13 (3) A delivery, payment, or expenditure under this
14 section is in addition to, not in substitution for, and does
15 not affect any obligation of a person to support the minor.

16 Section 17. Custodian's expenses, compensation, and
17 bond. (1) A custodian is entitled to reimbursement from
18 custodial property for reasonable expenses incurred in the
19 performance of the custodian's duties.

20 (2) Except for one who is a transferor under [section
21 6], a custodian has a noncumulative election during each
22 calendar year to charge reasonable compensation for services
23 performed during that year.

24 (3) Except as provided in [section 20(6)], a custodian
25 need not give a bond.

1 Section 18. Exemption of third person from liability.
2 A third person in good faith and without court order may act
3 on the instructions of or otherwise deal with any person
4 purporting to make a transfer or purporting to act in the
5 capacity of a custodian and, in the absence of knowledge, is
6 not responsible for determining:

7 (1) the validity of the purported custodian's
8 designation;

9 (2) the propriety of or the authority under [this act]
10 for any act of the purported custodian;

11 (3) the validity or propriety under [this act] of any
12 instrument or instructions executed or given either by the
13 person purporting to make a transfer or by the purported
14 custodian; or

15 (4) the propriety of the application of any property
16 of the minor delivered to the purported custodian.

17 Section 19. Liability to third persons. (1) A claim
18 may be asserted against the custodial property by proceeding
19 against the custodian in the custodial capacity, whether or
20 not the custodian or the minor is personally liable therefor
21 when it is based on:

22 (a) a contract entered into by a custodian acting in a
23 custodial capacity;

24 (b) an obligation arising from the ownership or
25 control of custodial property; or

1 (c) a tort committed during the custodianship.
 2 (3) A custodian is not personally liable:
 3 (a) on a contract properly entered into in the
 4 custodial capacity unless the custodian fails to reveal that
 5 capacity and to identify the custodianship in the contract;
 6 or
 7 (b) for an obligation arising from control of
 8 custodial property or for a tort committed during the
 9 custodianship unless the custodian is personally at fault.
 10 (3) A minor is not personally liable for an obligation
 11 arising from ownership of custodial property or for a tort
 12 committed during the custodianship unless the minor is
 13 personally at fault.
 14 Section 20. Renunciation, resignation, death, or
 15 removal of custodian -- designation of successor custodian.
 16 (1) A person nominated under [section 5] or designated under
 17 [section 11] as custodian may decline to serve by delivering
 18 a valid disclaimer to the person who made the nomination or
 19 to the transferor or the transferor's legal representative.
 20 If the event giving rise to a transfer has not occurred and
 21 no substitute custodian able, willing, and eligible to serve
 22 was nominated under [section 5], the person who made the
 23 nomination may nominate a substitute custodian under
 24 [section 5]; otherwise the transferor or the transferor's
 25 legal representative shall designate a substitute custodian

1 at the time of the transfer, in either case from among the
 2 persons eligible to serve as custodian for that kind of
 3 property under [section 11(1)]. The custodian so designated
 4 has the rights of a successor custodian.
 5 (2) A custodian at any time may designate a trust
 6 company or an adult other than a transferor under [section
 7 6] as successor custodian by executing and dating an
 8 instrument of designation before a subscribing witness other
 9 than the successor. If the instrument of designation does
 10 not contain or is not accompanied by the resignation of the
 11 custodian, the designation of the successor does not take
 12 effect until the custodian resigns, dies, becomes
 13 incapacitated, or is removed.
 14 (3) A custodian may resign at any time by delivering
 15 written notice to the minor if the minor has attained the
 16 age of 14 years and to the successor custodian and by
 17 delivering the custodial property to the successor
 18 custodian.
 19 (4) If a custodian is ineligible, dies, or becomes
 20 incapacitated without having effectively designated a
 21 successor and the minor has attained the age of 14 years,
 22 the minor may designate as successor custodian, in the
 23 manner prescribed in subsection (2), an adult member of the
 24 minor's family, a conservator of the minor, or a trust
 25 company. If the minor has not attained the age of 14 years

1 or fails to act within 60 days after the ineligibility,
 2 death, or incapacity, the conservator of the minor becomes
 3 successor custodian. If the minor has no conservator or the
 4 conservator declines to act, the transferor, the legal
 5 representative of the transferor or of the custodian, an
 6 adult member of the minor's family, or any other interested
 7 person may petition the court to designate a successor
 8 custodian.

9 (5) A custodian who declines to serve under subsection
 10 (1) or resigns under subsection (3) or the legal
 11 representative of a deceased or incapacitated custodian, as
 12 soon as practicable, shall put the custodial property and
 13 records in the possession and control of the successor
 14 custodian. The successor custodian by action may enforce the
 15 obligation to deliver custodial property and records and
 16 becomes responsible for each item as received.

17 (6) A transferor, the legal representative of a
 18 transferor, an adult member of the minor's family, a
 19 guardian of the person of the minor, the conservator of the
 20 minor, or the minor if the minor has attained the age of 14
 21 years may petition the court to remove the custodian for
 22 cause and to designate a successor custodian other than a
 23 transferor under [section 6] or to require the custodian to
 24 give appropriate bond.

25 Section 21. Accounting by and determination of

1 liability of custodian. (1) A minor who has attained the age
 2 of 14 years, the minor's guardian of the person or legal
 3 representative, an adult member of the minor's family, a
 4 transferor, or a transferor's legal representative may
 5 petition the court:

6 (a) for an accounting by the custodian or the
 7 custodian's legal representative; or

8 (b) for a determination of responsibility, as between
 9 the custodial property and the custodian personally, for
 10 claims against the custodial property unless the
 11 responsibility has been adjudicated in an action under
 12 [section 19] to which the minor or the minor's legal
 13 representative was a party.

14 (2) A successor custodian may petition the court for
 15 an accounting by the predecessor custodian.

16 (3) The court, in a proceeding under [this act] or in
 17 any other proceeding, may require or permit the custodian or
 18 the custodian's legal representative to account.

19 (4) If a custodian is removed under [section 20(6)],
 20 the court shall require an accounting and order delivery of
 21 the custodial property and records to the successor
 22 custodian and the execution of all instruments required for
 23 transfer of the custodial property.

24 Section 22. Termination of custodianship. The
 25 custodian shall transfer in an appropriate manner the

1 custodial property to the minor or to the minor's estate
2 upon the earlier of:

3 (1) the minor's attainment of 21 years of age with
4 respect to custodial property transferred under [section 6
5 or 7];

6 (2) the minor's attainment of 18 years of age with
7 respect to custodial property transferred under [section 8
8 or 9]; or

9 (3) the minor's death.

10 Section 23. Applicability. This act applies to a
11 transfer within the scope of [section 4] made after October
12 1, 1985, if:

13 (1) the transfer purports to have been made under the
14 provisions of Title 72, chapter 26, parts 1 through 4
15 (repealed by [section 25]);

16 (2) the instrument by which the transfer purports to
17 have been made uses in substance the designation "as
18 custodian under the Uniform Gifts to Minors Act" or "as
19 custodian under the Uniform Transfers to Minors Act" of any
20 other state, and the application of this act is necessary to
21 validate the transfer.

22 Section 24. Effect on existing custodianships. (1) Any
23 transfer of custodial property as now defined in [this act]
24 made before October 1, 1985, is validated notwithstanding
25 that there was no specific authority in Title 72, chapter

1 26, parts 1 through 4 (repealed by [section 25]), for the
2 coverage of custodial property of that kind or for a
3 transfer from that source at the time the transfer was made.

4 (2) [This act] applies to all transfers made before
5 October 1, 1985, in a manner and form prescribed in Title
6 72, chapter 26, parts 1 through 4, except insofar as the
7 application impairs constitutionally vested rights or
8 extends the duration of custodianships in existence on
9 October 1, 1985.

10 (3) [Sections 3 and 22] with respect to the age of a
11 minor for whom custodial property is held under [this act]
12 do not apply to custodial property held in a custodianship
13 that terminated because of the minor's attainment of the age
14 of 18 before October 1, 1985.

15 Section 25. Repealer. Title 72, chapter 26, parts 1
16 through 4, MCA, are repealed.

17 Section 26. Severability. If a part of this act is
18 invalid, all valid parts that are severable from the invalid
19 part remain in effect. If a part of this act is invalid in
20 one or more of its applications, the part remains in effect
21 in all valid applications that are severable from the
22 invalid applications.

-End-

1 SENATE BILL NO. 60
2 INTRODUCED BY MAZUREK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REPLACE THE UNIFORM
5 GIFTS TO MINORS ACT WITH THE UNIFORM TRANSFERS TO MINORS
6 ACT; REPEALING TITLE 72, CHAPTER 26, PARTS 1 THROUGH 4, MCA;
7 AND PROVIDING AN APPLICABILITY CLAUSE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Short title. [This act] may be cited as the
11 "Montana Uniform Transfers to Minors Act".

12 Section 2. Uniformity of application and construction.
13 [This act] must be applied and construed to effectuate its
14 general purpose to make uniform the law with respect to the
15 subject of [this act] among states enacting it.

16 Section 3. Definitions. As used in [this act], unless
17 the context requires otherwise, the following definitions
18 apply:

19 (1) "Adult" means an individual who has attained the
20 age of ~~21~~ 18 years.

21 (2) "Benefit plan" means an employer's plan for the
22 benefit of an employee or partner.

23 (3) "Broker" means a person lawfully engaged in the
24 business of effecting transactions in securities or
25 commodities for the person's own account or for the account

1 of others.

2 (4) "Conservator" means a person appointed or
3 qualified by a court to act as general, limited, or
4 temporary guardian of a minor's property or a person legally
5 authorized to perform substantially the same functions.

6 (5) "Court" means district court.

7 (6) "Custodial property" means:

8 (a) any interest in property transferred to a
9 custodian under [this act]; and

10 (b) the income from and proceeds of that interest in
11 property.

12 (7) "Custodian" means a person so designated under
13 [section 11] or a successor or substitute custodian
14 designated under [section 20].

15 (8) "Financial institution" means a bank, trust
16 company, savings institution, or credit union chartered and
17 supervised under state or federal law.

18 (9) "Legal representative" means an individual's
19 personal representative or conservator.

20 (10) "Member of the minor's family" means the minor's
21 parent, stepparent, spouse, grandparent, brother, sister,
22 uncle, or aunt, whether of the whole or half blood or by
23 adoption.

24 (11) "Minor" means an individual who has not attained
25 the age of ~~21~~ 18 years.

1 (12) "Person" means an individual, corporation,
2 organization, or other legal entity.

3 (13) "Personal representative" means an executor,
4 administrator, successor personal representative, or special
5 administrator of a decedent's estate or a person legally
6 authorized to perform substantially the same functions.

7 (14) "State" includes any state of the United States,
8 the District of Columbia, the Commonwealth of Puerto Rico,
9 and any territory or possession subject to the legislative
10 authority of the United States.

11 (15) "Transfer" means a transaction that creates
12 custodial property under [section 11].

13 (16) "Transferor" means a person who makes a transfer
14 under [this act].

15 (17) "Trust company" means a financial institution,
16 corporation, or other legal entity authorized to exercise
17 general trust powers.

18 Section 4. Scope and jurisdiction. (1) [This act]
19 applies to a transfer that refers to [this act] in the
20 designation under [section 11(1)] by which the transfer is
21 made if at the time of the transfer, the transferor, the
22 minor, or the custodian is a resident of this state or the
23 custodial property is located in this state. The
24 custodianship so created remains subject to [this act]
25 despite a subsequent change in residence of a transferor,

1 the minor, or the custodian or the removal of custodial
2 property from this state.

3 (2) A person designated as custodian under [this act]
4 is subject to personal jurisdiction in this state with
5 respect to any matter relating to the custodianship.

6 (3) A transfer that purports to be made and which is
7 valid under the Uniform Transfers to Minors Act, the Uniform
8 Gifts to Minors Act, or a substantially similar act of
9 another state is governed by the law of the designated state
10 and may be executed and is enforceable in this state if at
11 the time of the transfer, the transferor, the minor, or the
12 custodian is a resident of the designated state or the
13 custodial property is located in the designated state.

14 Section 5. Nomination of custodian. (1) A person
15 having the right to designate the recipient of property
16 transferable upon the occurrence of a future event may
17 revocably nominate a custodian to receive the property for a
18 minor beneficiary upon the occurrence of the event by naming
19 the custodian, followed in substance by the words: "as
20 custodian for (name of minor) under the Montana
21 Uniform Transfers to Minors Act". The nomination may name
22 one or more persons as substitute custodians to whom the
23 property must be transferred, in the order named, if the
24 first nominated custodian dies before the transfer or is
25 unable, declines, or is ineligible to serve. The nomination

1 may be made in a will, a trust, a deed, an instrument
 2 exercising a power of appointment, or in a writing
 3 designating a beneficiary of contractual rights that is
 4 registered with or delivered to the payor, issuer, or other
 5 obligor of the contractual rights.

6 (2) A custodian nominated under this section must be a
 7 person to whom a transfer of property of that kind may be
 8 made under [section 11(1)].

9 (3) The nomination of a custodian under this section
 10 does not create custodial property until the nominating
 11 instrument becomes irrevocable or a transfer to the
 12 nominated custodian is completed under [section 11]. Unless
 13 the nomination of a custodian has been revoked, upon the
 14 occurrence of the future event the custodianship becomes
 15 effective and the custodian shall enforce a transfer of the
 16 custodial property pursuant to [section 11].

17 Section 6. Transfer by gift or exercise of power of
 18 appointment. A person may make a transfer by irrevocable
 19 gift to or the irrevocable exercise of a power of
 20 appointment in favor of a custodian for the benefit of a
 21 minor pursuant to [section 11].

22 Section 7. Transfer authorized by will or trust. (1) A
 23 personal representative or trustee may make an irrevocable
 24 transfer pursuant to [section 11] to a custodian for the
 25 benefit of a minor as authorized in the governing will or

1 trust.

2 (2) If the testator or settlor has nominated a
 3 custodian under [section 5] to receive the custodial
 4 property, the transfer must be made to that person.

5 (3) If the testator or settlor has not nominated a
 6 custodian under [section 5] or all persons so nominated as
 7 custodian die before the transfer or are unable, decline, or
 8 are ineligible to serve, the personal representative or the
 9 trustee, as the case may be, shall designate the custodian
 10 from among those eligible to serve as custodian for property
 11 of that kind under [section 11(1)].

12 Section 8. Other transfer by fiduciary. (1) Subject to
 13 subsection (3), a personal representative or trustee may
 14 make an irrevocable transfer to another adult or trust
 15 company as custodian for the benefit of a minor pursuant to
 16 [section 11], in the absence of a will or under a will or
 17 trust that does not contain an authorization to do so.

18 (2) Subject to subsection (3), a conservator may make
 19 an irrevocable transfer to another adult or trust company as
 20 custodian for the benefit of the minor pursuant to [section
 21 11].

22 (3) A transfer under subsection (1) or (2) may be made
 23 only if:

24 (a) the personal representative, trustee, or
 25 conservator considers the transfer to be in the best

1 interest of the minor;

2 (b) the transfer is not prohibited by or inconsistent
3 with provisions of the applicable will, trust agreement, or
4 other governing instrument; and

5 (c) the transfer is authorized by the court if it
6 exceeds \$10,000 in value.

7 Section 9. Transfer by obligor. (1) Subject to
8 subsections (2) and (3), a person not subject to [section 7
9 or 8] who holds property of or owes a liquidated debt to a
10 minor not having a conservator may make an irrevocable
11 transfer to a custodian for the benefit of the minor
12 pursuant to [section 11].

13 (2) If a person having the right to do so under
14 [section 5] has nominated a custodian under that section to
15 receive the custodial property, the transfer must be made to
16 that person.

17 (3) If no custodian has been nominated under [section
18 5] or all persons so nominated as custodian die before the
19 transfer or are unable, decline, or are ineligible to serve,
20 a transfer under this section may be made to an adult member
21 of the minor's family or to a trust company unless the
22 property exceeds \$10,000 in value.

23 Section 10. Receipt for custodial property. A written
24 acknowledgment of delivery by a custodian constitutes a
25 sufficient receipt and discharge for custodial property

1 transferred to the custodian pursuant to [this act].

2 Section 11. Manner of creating custodial property and
3 effecting transfer -- designation of initial custodian --
4 control. (1) Custodial property is created and a transfer is
5 made whenever:

6 (a) an uncertificated security or a certificated
7 security in registered form is either:

8 (i) registered in the name of the transferor, an adult
9 other than the transferor, or a trust company, followed in
10 substance by the words: "as custodian for (name of
11 minor) under the Montana Uniform Transfers to Minors Act";
12 or

13 (ii) delivered if in certificated form, or any document
14 necessary for the transfer of an uncertificated security is
15 delivered, together with any necessary endorsement to an
16 adult other than the transferor or to a trust company as
17 custodian, accompanied by an instrument in substantially the
18 form set forth in subsection (2);

19 (b) money is paid or delivered to a broker or
20 financial institution for credit to an account in the name
21 of the transferor, an adult other than the transferor, or a
22 trust company, followed in substance by the words: "as
23 custodian for (name of minor) under the Montana
24 Uniform Transfers to Minors Act";

25 (c) the ownership of a life or endowment insurance

1 policy or annuity contract is either:

2 (i) registered with the issuer in the name of the
3 transferor, an adult other than the transferor, or a trust
4 company, followed in substance by the words: "as custodian
5 for (name of minor) under the Montana Uniform
6 Transfers to Minors Act"; or

7 (ii) assigned in a writing delivered to an adult other
8 than the transferor or to a trust company whose name in the
9 assignment is followed in substance by the words: "as
10 custodian for (name of minor) under the Montana
11 Uniform Transfers to Minors Act";

12 (d) an irrevocable exercise of a power of appointment
13 or an irrevocable present right to future payment under a
14 contract is the subject of a written notification delivered
15 to the payor, issuer, or other obligor that the right is
16 transferred to the transferor, an adult other than the
17 transferor, or a trust company, whose name in the
18 notification is followed in substance by the words: "as
19 custodian for (name of minor) under the Montana
20 Uniform Transfers to Minors Act";

21 (e) an interest in real property is recorded in the
22 name of the transferor, an adult other than the transferor,
23 or a trust company, followed in substance by the words: "as
24 custodian for (name of minor) under the Montana
25 Uniform Transfers to Minors Act";

1 (f) a certificate of title issued by a department or
2 agency of a state or of the United States which evidences
3 title to tangible personal property is either:

4 (i) issued in the name of the transferor, an adult
5 other than the transferor, or a trust company, followed in
6 substance by the words: "as custodian for (name of
7 minor) under the Montana Uniform Transfers to Minors Act";
8 or

9 (ii) delivered to an adult other than the transferor or
10 to a trust company, endorsed to that person, followed in
11 substance by the words: "as custodian for (name of
12 minor) under the Montana Uniform Transfers to Minors Act";
13 or

14 (g) an interest in any property not described in
15 subsections (1)(a) through (1)(f) is transferred to an adult
16 other than the transferor or to a trust company by a written
17 instrument in substantially the form set forth in subsection
18 (2).

19 (2) An instrument in the following form satisfies the
20 requirements of subsections (1)(a)(ii) and (1)(g):

21 "TRANSFER UNDER THE MONTANA UNIFORM TRANSFERS TO MINORS ACT

22 I, (name of transferor or name and
23 representative capacity if a fiduciary) hereby transfer to
24 (name of custodian), as custodian for
25 (name of minor) under the Montana Uniform Transfers to

1 Minors Act, the following: (insert a description of the
2 custodial property sufficient to identify it).

3 Dated:
4
5 (Signature)

6 (name of custodian) acknowledges receipt of
7 the property described above as custodian for the minor
8 named above under the Montana Uniform Transfers to Minors
9 Act.

10 Dated:
11
12 (Signature of Custodian)"

13 (3) A transferor shall place the custodian in control
14 of the custodial property as soon as practicable.

15 Section 12. Single custodianship. A transfer may be
16 made only for one minor, and only one person may be the
17 custodian. All custodial property held under [this act] by
18 the same custodian for the benefit of the same minor
19 constitutes a single custodianship.

20 Section 13. Validity and effect of transfer. (1) The
21 validity of a transfer made in a manner prescribed in [this
22 act] is not affected by:

- 23 (a) failure of the transferor to comply with [section
- 24 11(3)] concerning possession and control;
- 25 (b) designation of an ineligible custodian, except

1 designation of the transferor in the case of property for
2 which the transferor is ineligible to serve as custodian
3 under [section 11(1)]; or

4 (c) death or incapacity of a person nominated under
5 [section 5] or designated under [section 11] as custodian or
6 the disclaimer of the office by that person.

7 (2) A transfer made pursuant to [section 11] is
8 irrevocable, and the custodial property is indefeasibly
9 vested in the minor, but the custodian has all the rights,
10 powers, duties, and authority provided in [this act], and
11 neither the minor nor the minor's legal representative has
12 any right, power, duty, or authority with respect to the
13 custodial property except as provided in [this act].

14 (3) By making a transfer, the transferor incorporates
15 in the disposition all the provisions of [this act] and
16 grants to the custodian, and to any third person dealing
17 with a person designated as custodian, the respective
18 powers, rights, and immunities provided in [this act].

19 Section 14. Care of custodial property. (1) A
20 custodian shall:

- 21 (a) take control of custodial property;
- 22 (b) register or record title to custodial property if
- 23 appropriate; and
- 24 (c) collect, hold, manage, invest, and reinvest
- 25 custodial property.

1 (2) In dealing with custodial property, a custodian
 2 shall observe the standard of care that would be observed by
 3 a prudent person dealing with property of another and is not
 4 limited by any other statute restricting investments by
 5 fiduciaries. If a custodian has a special skill or expertise
 6 or is named custodian on the basis of representations of a
 7 special skill or expertise, the custodian shall use that
 8 skill or expertise. However, a custodian, in the custodian's
 9 discretion and without liability to the minor or the minor's
 10 estate, may retain any custodial property received from a
 11 transferor.

12 (3) A custodian may invest in or pay premiums on life
 13 insurance or endowment policies on:

14 (a) the life of the minor only if the minor or the
 15 minor's estate is the sole beneficiary; or

16 (b) the life of another person in whom the minor has
 17 an insurable interest only to the extent that the minor, the
 18 minor's estate, or the custodian, in the capacity of
 19 custodian, is the irrevocable beneficiary.

20 (4) A custodian at all times shall keep custodial
 21 property separate and distinct from all other property in a
 22 manner sufficient to identify it clearly as custodial
 23 property of the minor. Custodial property consisting of an
 24 undivided interest is so identified if the minor's interest
 25 is held as a tenant in common and is fixed. Custodial

1 property subject to recordation is so identified if it is
 2 recorded, and custodial property subject to registration is
 3 so identified if it is either registered or held in an
 4 account designated in the name of the custodian, followed in
 5 substance by the words: "as a custodian for (name
 6 of minor) under the Montana Uniform Transfers to Minors
 7 Act".

8 (5) A custodian shall keep records of all transactions
 9 with respect to custodial property, including information
 10 necessary for the preparation of the minor's tax returns,
 11 and shall make them available for inspection at reasonable
 12 intervals by a parent or legal representative of the minor
 13 or by the minor if the minor has attained the age of 14
 14 years.

15 Section 15. Powers of custodian. (1) A custodian,
 16 acting in a custodial capacity, has all the rights, powers,
 17 and authority over custodial property that unmarried adult
 18 owners have over their own property, but a custodian may
 19 exercise those rights, powers, and authority in that
 20 capacity only.

21 (2) This section does not relieve a custodian from
 22 liability for breach of [section 14].

23 Section 16. Use of custodial property. (1) A custodian
 24 may deliver or pay to the minor or expend for the minor's
 25 benefit so much of the custodial property as the custodian

1 considers advisable for the use and benefit of the minor,
2 without court order and without regard to:

3 (a) the duty or ability of the custodian personally or
4 of any other person to support the minor; or

5 (b) any other income or property of the minor which
6 may be applicable or available for that purpose.

7 (2) On petition of an interested person or the minor
8 if the minor has attained the age of 14 years, the court may
9 order the custodian to deliver or pay to the minor or expend
10 for the minor's benefit so much of the custodial property as
11 the court considers advisable for the use and benefit of the
12 minor.

13 (3) A delivery, payment, or expenditure under this
14 section is in addition to, not in substitution for, and does
15 not affect any obligation of a person to support the minor.

16 Section 17. Custodian's expenses, compensation, and
17 bond. (1) A custodian is entitled to reimbursement from
18 custodial property for reasonable expenses incurred in the
19 performance of the custodian's duties.

20 (2) Except for one who is a transferor under [section
21 6], a custodian has a noncumulative election during each
22 calendar year to charge reasonable compensation for services
23 performed during that year.

24 (3) Except as provided in [section 20(6)], a custodian
25 need not give a bond.

1 Section 18. Exemption of third person from liability.

2 A third person in good faith and without court order may act
3 on the instructions of or otherwise deal with any person
4 purporting to make a transfer or purporting to act in the
5 capacity of a custodian and, in the absence of knowledge, is
6 not responsible for determining:

7 (1) the validity of the purported custodian's
8 designation;

9 (2) the propriety of or the authority under [this act]
10 for any act of the purported custodian;

11 (3) the validity or propriety under [this act] of any
12 instrument or instructions executed or given either by the
13 person purporting to make a transfer or by the purported
14 custodian; or

15 (4) the propriety of the application of any property
16 of the minor delivered to the purported custodian.

17 Section 19. Liability to third persons. (1) A claim
18 may be asserted against the custodial property by proceeding
19 against the custodian in the custodial capacity, whether or
20 not the custodian or the minor is personally liable therefor
21 when it is based on:

22 (a) a contract entered into by a custodian acting in a
23 custodial capacity;

24 (b) an obligation arising from the ownership or
25 control of custodial property; or

1 (c) a tort committed during the custodianship.

2 (3) A custodian is not personally liable:

3 (a) on a contract properly entered into in the
4 custodial capacity unless the custodian fails to reveal that
5 capacity and to identify the custodianship in the contract;
6 or

7 (b) for an obligation arising from control of
8 custodial property or for a tort committed during the
9 custodianship unless the custodian is personally at fault.

10 (3) A minor is not personally liable for an obligation
11 arising from ownership of custodial property or for a tort
12 committed during the custodianship unless the minor is
13 personally at fault.

14 Section 20. Renunciation, resignation, death, or
15 removal of custodian -- designation of successor custodian.

16 (1) A person nominated under [section 5] or designated under
17 [section 11] as custodian may decline to serve by delivering
18 a valid disclaimer to the person who made the nomination or
19 to the transferor or the transferor's legal representative.
20 If the event giving rise to a transfer has not occurred and
21 no substitute custodian able, willing, and eligible to serve
22 was nominated under [section 5], the person who made the
23 nomination may nominate a substitute custodian under
24 [section 5]; otherwise the transferor or the transferor's
25 legal representative shall designate a substitute custodian

1 at the time of the transfer, in either case from among the
2 persons eligible to serve as custodian for that kind of
3 property under [section 11(1)]. The custodian so designated
4 has the rights of a successor custodian.

5 (2) A custodian at any time may designate a trust
6 company or an adult other than a transferor under [section
7 6] as successor custodian by executing and dating an
8 instrument of designation before a subscribing witness other
9 than the successor. If the instrument of designation does
10 not contain or is not accompanied by the resignation of the
11 custodian, the designation of the successor does not take
12 effect until the custodian resigns, dies, becomes
13 incapacitated, or is removed.

14 (3) A custodian may resign at any time by delivering
15 written notice to the minor if the minor has attained the
16 age of 14 years and to the successor custodian and by
17 delivering the custodial property to the successor
18 custodian.

19 (4) If a custodian is ineligible, dies, or becomes
20 incapacitated without having effectively designated a
21 successor and the minor has attained the age of 14 years,
22 the minor may designate as successor custodian, in the
23 manner prescribed in subsection (2), an adult member of the
24 minor's family, a conservator of the minor, or a trust
25 company. If the minor has not attained the age of 14 years

1 or fails to act within 60 days after the ineligibility,
 2 death, or incapacity, the conservator of the minor becomes
 3 successor custodian. If the minor has no conservator or the
 4 conservator declines to act, the transferor, the legal
 5 representative of the transferor or of the custodian, an
 6 adult member of the minor's family, or any other interested
 7 person may petition the court to designate a successor
 8 custodian.

9 (5) A custodian who declines to serve under subsection
 10 (1) or resigns under subsection (3) or the legal
 11 representative of a deceased or incapacitated custodian, as
 12 soon as practicable, shall put the custodial property and
 13 records in the possession and control of the successor
 14 custodian. The successor custodian by action may enforce the
 15 obligation to deliver custodial property and records and
 16 becomes responsible for each item as received.

17 (6) A transferor, the legal representative of a
 18 transferor, an adult member of the minor's family, a
 19 guardian of the person of the minor, the conservator of the
 20 minor, or the minor if the minor has attained the age of 14
 21 years may petition the court to remove the custodian for
 22 cause and to designate a successor custodian other than a
 23 transferor under [section 6] or to require the custodian to
 24 give appropriate bond.

25 Section 21. Accounting by and determination of

1 liability of custodian. (1) A minor who has attained the age
 2 of 14 years, the minor's guardian of the person or legal
 3 representative, an adult member of the minor's family, a
 4 transferor, or a transferor's legal representative may
 5 petition the court:

6 (a) for an accounting by the custodian or the
 7 custodian's legal representative; or

8 (b) for a determination of responsibility, as between
 9 the custodial property and the custodian personally, for
 10 claims against the custodial property unless the
 11 responsibility has been adjudicated in an action under
 12 [section 19] to which the minor or the minor's legal
 13 representative was a party.

14 (2) A successor custodian may petition the court for
 15 an accounting by the predecessor custodian.

16 (3) The court, in a proceeding under [this act] or in
 17 any other proceeding, may require or permit the custodian or
 18 the custodian's legal representative to account.

19 (4) If a custodian is removed under [section 20(6)],
 20 the court shall require an accounting and order delivery of
 21 the custodial property and records to the successor
 22 custodian and the execution of all instruments required for
 23 transfer of the custodial property.

24 Section 22. Termination of custodianship. The
 25 custodian shall transfer in an appropriate manner the

1 custodial property to the minor or to the minor's estate
2 upon the earlier of:

3 (1) the minor's attainment of 21 years of age with
4 respect to custodial property transferred under [section 6
5 or 7];

6 (2) the minor's attainment of 18 years of age with
7 respect to custodial property transferred under [section 8
8 or 9]; or

9 (3) the minor's death.

10 Section 23. Applicability. This act applies to a
11 transfer within the scope of [section 4] made after October
12 1, 1985, if:

13 (1) the transfer purports to have been made under the
14 provisions of Title 72, chapter 26, parts 1 through 4
15 (repealed by [section 25]);

16 (2) the instrument by which the transfer purports to
17 have been made uses in substance the designation "as
18 custodian under the Uniform Gifts to Minors Act" or "as
19 custodian under the Uniform Transfers to Minors Act" of any
20 other state, and the application of this act is necessary to
21 validate the transfer.

22 Section 24. Effect on existing custodianships. (1) Any
23 transfer of custodial property as now defined in [this act]
24 made before October 1, 1985, is validated notwithstanding
25 that there was no specific authority in Title 72, chapter

1 26, parts 1 through 4 (repealed by [section 25]), for the
2 coverage of custodial property of that kind or for a
3 transfer from that source at the time the transfer was made.

4 (2) [This act] applies to all transfers made before
5 October 1, 1985, in a manner and form prescribed in Title
6 72, chapter 26, parts 1 through 4, except insofar as the
7 application impairs constitutionally vested rights or
8 extends the duration of custodianships in existence on
9 October 1, 1985.

10 (3) [Sections 3 and 22] with respect to the age of a
11 minor for whom custodial property is held under [this act]
12 do not apply to custodial property held in a custodianship
13 that terminated because of the minor's attainment of the age
14 of 18 before October 1, 1985.

15 Section 25. Repealer. Title 72, chapter 26, parts 1
16 through 4, MCA, are repealed.

17 Section 26. Severability. If a part of this act is
18 invalid, all valid parts that are severable from the invalid
19 part remain in effect. If a part of this act is invalid in
20 one or more of its applications, the part remains in effect
21 in all valid applications that are severable from the
22 invalid applications.

-End-

1 SENATE BILL NO. 60

2 INTRODUCED BY MAZUREK

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REPLACE THE UNIFORM
5 GIFTS TO MINORS ACT WITH THE UNIFORM TRANSFERS TO MINORS
6 ACT; REPEALING TITLE 72, CHAPTER 26, PARTS 1 THROUGH 4, MCA;
7 AND PROVIDING AN APPLICABILITY CLAUSE."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Short title. [This act] may be cited as the
11 "Montana Uniform Transfers to Minors Act".

12 Section 2. Uniformity of application and construction.
13 [This act] must be applied and construed to effectuate its
14 general purpose to make uniform the law with respect to the
15 subject of [this act] among states enacting it.

16 Section 3. Definitions. As used in [this act], unless
17 the context requires otherwise, the following definitions
18 apply:

19 (1) "Adult" means an individual who has attained the
20 age of ~~21~~ 18 years.

21 (2) "Benefit plan" means an employer's plan for the
22 benefit of an employee or partner.

23 (3) "Broker" means a person lawfully engaged in the
24 business of effecting transactions in securities or
25 commodities for the person's own account or for the account

REFERENCE BILL

There are no changes in SB 60 and will not be re-run. Please refer to Yellow or blue copy for complete text.

