

PART 11

MISCELLANEOUS PROVISIONS

15-5-1101. Uniformity of application and construction. IN APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

15-5-1102. Electronic records and signatures. THE PROVISIONS OF THIS ARTICLE GOVERNING THE LEGAL EFFECT, VALIDITY, OR ENFORCEABILITY OF ELECTRONIC RECORDS OR ELECTRONIC SIGNATURES, AND OF CONTRACTS FORMED OR PERFORMED WITH THE USE OF SUCH RECORDS OR SIGNATURES, CONFORM TO THE REQUIREMENTS OF SECTION 102 OF THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT", 15 U.S.C. SEC. 7002, AND SUPERSEDE, MODIFY, AND LIMIT THE REQUIREMENTS OF THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT".

15-5-1103. Severability clause. IF ANY PROVISION OF THIS ARTICLE OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END

THE PROVISIONS OF THIS ARTICLE ARE SEVERABLE.

15-5-1104. Effective date. THIS ARTICLE TAKES EFFECT ON JANUARY 1, 2015.

15-5-1105. Repeals. (Reserved)

15-5-1106. Application to existing relationships. (a) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, ON JANUARY 1, 2015:

(1) THIS ARTICLE APPLIES TO ALL TRUSTS CREATED BEFORE, ON, OR AFTER JANUARY 1, 2015;

(2) THIS ARTICLE APPLIES TO ALL JUDICIAL PROCEEDINGS CONCERNING TRUSTS COMMENCED ON OR AFTER JANUARY 1, 2015;

(3) THIS ARTICLE APPLIES TO JUDICIAL PROCEEDINGS CONCERNING TRUSTS COMMENCED BEFORE JANUARY 1, 2015, UNLESS THE COURT FINDS THAT APPLICATION OF A PARTICULAR PROVISION OF THIS ARTICLE WOULD SUBSTANTIALLY INTERFERE WITH THE EFFECTIVE CONDUCT OF THE JUDICIAL PROCEEDINGS OR PREJUDICE THE RIGHTS OF THE PARTIES, IN WHICH CASE THE PARTICULAR PROVISION OF THIS ARTICLE DOES NOT APPLY AND THE SUPERSEDED LAW APPLIES;

(4) ANY RULE OF CONSTRUCTION OR PRESUMPTION PROVIDED IN THIS ARTICLE APPLIES TO TRUST INSTRUMENTS EXECUTED BEFORE JANUARY 1, 2015, UNLESS THERE IS A CLEAR INDICATION OF A CONTRARY INTENT IN THE TERMS OF THE TRUST; AND

(5) AN ACT DONE BEFORE JANUARY 1, 2015, IS NOT AFFECTED BY THIS ARTICLE.

(b) IF A RIGHT IS ACQUIRED, EXTINGUISHED, OR BARRED UPON THE EXPIRATION OF A PRESCRIBED PERIOD THAT HAS COMMENCED TO RUN UNDER ANY OTHER STATUTE BEFORE JANUARY 1, 2015, THAT STATUTE CONTINUES TO APPLY TO THE RIGHT EVEN IF IT HAS BEEN REPEALED OR SUPERSEDED.

1. SECTION In Colorado Revised Statutes, 2-5-102, **add** (13) as follows:

2-5-102. Inclusions - nonstatutory. (13) THE REVISOR OF STATUTES SHALL INCLUDE IN THE PUBLICATION OF THE AMENDMENTS TO ARTICLE 5 OF TITLE 15, C.R.S., AS NONSTATUTORY MATTER, FOLLOWING EACH SECTION OF ARTICLE 5 OF TITLE 15, C.R.S., THE FULL TEXT OF THE OFFICIAL COMMENTS TO THAT ARTICLE, CONTAINED IN THE OFFICIAL VOLUME CONTAINING THE OFFICIAL TEXT OF THE "UNIFORM TRUST CODE", ISSUED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS, WITH ANY CHANGES IN THE OFFICIAL COMMENTS OR COLORADO COMMENTS TO CORRESPOND TO COLORADO CHANGES IN THE UNIFORM ACT.

2. SECTION In Colorado Revised Statutes, 11-106-105, **amend** (1) introductory portion as follows:

11-106-105. Substitution of Colorado bank or Colorado

trust company. (1) In addition to the procedures initiated by an interested party concerning internal affairs of ~~their~~ THE PARTY'S trust under ~~section 15-16-201~~ PART 2 OF ARTICLE 5 OF TITLE 15, C.R.S., or procedures otherwise permitted by Colorado law, and unless a will, agreement, or trust instrument otherwise provides, a company may be substituted as fiduciary for all or a part of the fiduciary business of another company without court approval if:

3. SECTION In Colorado Revised Statutes, 15-12-703, **amend** (1) as follows:

15-12-703. General duties - relation and liability to persons interested in estate - standing to sue. (1) A personal representative is a fiduciary who shall observe the standards of care applicable to trustees as described by ~~section 15-16-302~~ SECTIONS 15-5-801 TO 15-5-806. A personal representative is under a duty to settle and distribute the estate of the decedent in accordance with the terms of any probated and effective will and this code, and as expeditiously and efficiently as is consistent with the best interests of the estate. ~~He~~ A PERSONAL REPRESENTATIVE shall use the authority conferred upon him OR HER by this code, the terms of the will, if any, and any order in proceedings to which he OR SHE is party for the best interests of successors to the

estate.

4. SECTION In Colorado Revised Statutes, 15-12-913, **amend** (1) as follows:

15-12-913. Distributions to trustee. (1) Before distributing to a trustee, the personal representative may require that the trust be registered if the state in which it is to be administered provides for registration and that the trustee inform the beneficiaries as provided in section ~~15-16-303~~ 15-5-813.

5. SECTION In Colorado Revised Statutes, **amend** 15-16-103 as follows:

15-16-103. Effect of registration. (1) By registering a trust, or accepting the trusteeship of a registered trust, the trustee submits personally to the jurisdiction of the court in any proceeding under ~~section 15-16-201~~ PART 2 OF ARTICLE 5 OF THIS TITLE relating to the trust that may be initiated by any interested person while the trust remains registered. Notice of any proceeding shall be provided pursuant to section 15-10-401.

(2) To the extent of their interests in the trust, all beneficiaries of a trust properly registered in this state are subject to the jurisdiction of the court of registration for the purposes of proceedings under ~~section 15-16-201, provided~~ PART 2 OF ARTICLE 5 OF THIS TITLE IF

notice is given pursuant to section 15-10-401.

6. SECTION In Colorado Revised Statutes, **repeal** parts 2, 3, and 4 of article 16 of title 15.

7. SECTION Repeal of relocated and nonrelocated provisions in this act. In Colorado Revised Statutes, **repeal** part 7 of article 16 of title 15 and 15-16-501; except that 15-16-701 is not relocated.

8. SECTION In Colorado Revised Statutes, 15-17-101, **amend** (2) introductory portion as follows:

15-17-101. Time of taking effect - provisions for transition.

(2) Except as provided elsewhere in this code, including ~~but not limited to sections 15-11-601~~ SECTIONS 15-5-602, 15-11-601, 15-11-701, 15-11-1106, ~~15-16-702~~, and 15-17-103, on the effective date of this code or of any amendment to this code:

9. SECTION Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2015; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November

2014 and, in such case, will take effect on January 1, 2015, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

<{*Do you want a safety clause?*}>