



Senate Fiscal Agency
P.O. Box 30036
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BILL ANALYSIS



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House Bills 4644 through 4646 (as reported without amendment)

Sponsor: Representative Kara Hope (H.B. 4644)

Representative Jim Haadsma (H.B. 4645 & 4646)

House Committee: Judiciary

Senate Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

House Bill 4644 would enact the "Uniform Power of Attorney Act" (UPOAA) to do the following:

- Establish a durable power of attorney process in the State that generally provides for the authorities, powers, and duties of an agent and principal under a power of attorney and the execution and termination of a power of attorney.
- Specify the scope of the Act, applying to most powers of attorneys in the State.
- Entitle an agent to reimbursement of expenses incurred and compensation for services rendered on behalf of a principal unless prohibited in a power of attorney.
- Allow specified individuals associated with a principal, such as a principal's caregiver or heir, to petition a court to review an agent's conduct under a power of attorney.
- Prescribe restitution requirements if an agent violated a power of attorney.
- Provide a model form in statute that could be used to create a power of attorney that had the meaning and effect prescribed by the Act.
- Specify that the Act would apply to a power of attorney created before, on, or after the Act's effective date, except in certain circumstances.
- Repeal Sections 5501 to 5505 of Estates and Protected Individuals Code (EPIC), which generally govern durable powers of attorney in the State.

House Bill 4645 would amend Section 20101b of the Natural Resources and Environmental Protection Act to replace references to Sections 5501 through 5505 of EPIC with references to the Uniform Power of Attorney Act.

House Bill 4646 would amend the Public Health Code to replace references to Sections 5501 through 5505 of EPIC with references to the Uniform Power of Attorney Act.

House Bill 4644 would take effect July 1, 2024. The bills are tie-barred.

MCL 324.20101b (H.B. 4645)

333.10121 & 333.10301 (H.B. 4646)

BRIEF RATIONALE

Generally, a power of attorney is a document that allows an individual (principal) to grant authority to another individual (agent) to act on behalf of the principal in specified matters. According to testimony, laws governing powers of attorney vary widely from state to state, which may cause problems in the enforcement of powers of attorney in the United States' mobile society and expose principals to fraud, among other concerns. The UPOAA was developed to standardize states' laws concerning powers of attorney. As of October 2023, 30 states have enacted the UPOAA and so it has been suggested that Michigan enact it as well.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

House Bills 4644, 4645, and 4646 are reintroductions of Senate Bills 1148, 1149, and 1150, respectively, from the 2021-2022 Legislative Session.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bills would have no direct fiscal impact upon the state or local governments. There could be a positive, indirect, fiscal impact to both. Uniformity in matters of estates, real and personal property, and agency could reduce confusion and or procedural hurdles, particularly when statutory conformity crosses state lines. Any indirect fiscal impact cannot be accurately determined.

Date Completed: 10-13-23

Fiscal Analyst: Michael Siracuse