

HOUSE No. 1721

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Further Regulating Durable Power of Attorney..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1, Subsection of Section 1 of Chapter 201B of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended as follows: by adding at the end thereof a new
3 sentence as follows:

4 “any person acting under a durable power of attorney shall have an obligation to act in
5 good faith towards the principal who conferred the power.”

6 Section 2, Chapter 201B of the General Laws is hereby amended by inserting after
7 section 5 as now appearing a new section as follows:

8 “5A. A person exercising authority under a durable power of attorney shall be liable for
9 deliberate breach of their fiduciary duty.”