

**RCW 11.135.010 Definitions.** In this chapter:

- (1) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.
- (2) "Electronic signature" means an electronic symbol or process attached to or logically associated with a record that uses a security procedure and is executed or adopted by a person with the intent to sign the record.
- (3) "Information" includes data, text, images, codes, computer programs, software, databases, and the like, and does not include videos or sounds.
- (4) "Nontestamentary estate planning document" means a record relating to estate planning that is readable as text at the time of signing and is not a will or contained in a will. The term:
  - (a) Includes a record readable as text at the time of signing that creates, exercises, modifies, releases, or revokes:
    - (i) An inter vivos trust governed by chapters 11.97, 11.98, 11.98B, 11.103, 11.110, and 11.118 RCW;
    - (ii) A trust power held by a trustor, a trustee, a beneficiary[,], or a third party that is granted under the terms of a trust, under this title, specifically including chapters 11.97, 11.98, 11.98B, 11.103, 11.110, and 11.118 RCW, or by any other statute or rule of law related to trusts that requires a writing, written instrument, or a signed record or document;
    - (iii) A certification of a trust under RCW 11.98.075;
    - (iv) A power of attorney, including for health care of the principal or of the principal's minor children, that is durable under chapter 11.125 RCW;
    - (v) An agent's certification under RCW 11.125.430 of the validity of a power of attorney and the agent's authority;
    - (vi) A power of appointment;
    - (vii) A health care directive under chapter 70.122 RCW;
    - (viii) A document appointing an agent to dispose of an individual's remains, directing disposition of an individual's remains after death, or expressing wishes regarding an anatomical gift;
    - (ix) A nomination of a guardian or conservator for the signing individual;
    - (x) A nomination of a guardian or conservator for a minor child or disabled adult child or a delegation of parental powers for a minor child pursuant to RCW 11.130.145;
    - (xi) A mental health advance directive under chapter 71.32 RCW;
    - (xii) A community property agreement as described in RCW 26.16.120;
    - (xiii) A disclaimer under RCW 11.86.011(5);
    - (xiv) A trust decanting under chapter 11.107 RCW;
    - (xv) A separate writing directing the disposition of tangible personal property under RCW 11.12.260; and
    - (xvi) Any other record intended to carry out an individual's intent regarding property or health care while incapacitated or on death; and
  - (b) Does not include:
    - (i) A deed of real property or certificate of title for a motor vehicle, watercraft, or aircraft; or
    - (ii) A nonjudicial settlement agreement under RCW 11.96A.220.
- (5) "Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(6) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

(7) "Sign" means, with present intent to authenticate or adopt a record, to:

(a) Execute or adopt a tangible symbol; or

(b) Attach to or logically associate with the record an electronic signature.

(8) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state. [2024 c 188 s 2.]