

RCW 11.98B.030 Applicability—Exclusions—Power of appointment.

(1) In this section, "power of appointment" means a power that enables a person acting in a nonfiduciary capacity to designate a recipient of an ownership interest in or another power of appointment over trust property.

(2) This chapter does not apply to a:

(a) Power of appointment;

(b) Power to appoint or remove a trustee or trust director;

(c) Power of a settlor over a trust to the extent the settlor has a power to revoke the trust;

(d) Power of a beneficiary over a trust to the extent the exercise or nonexercise of the power affects the beneficial interest of:

(i) The beneficiary; or

(ii) Another beneficiary represented by the beneficiary with respect to the exercise or nonexercise of the power; or

(e) Power over a trust if:

(i) The terms of the trust provide that the power is held in a nonfiduciary capacity; and

(ii) The power must be held in a nonfiduciary capacity to achieve the settlor's tax objectives under the federal internal revenue code of 1986, as amended, as of January 1, 2021.

(3) Unless the terms of a trust provide otherwise, a power granted to a person to designate a recipient of an ownership interest in or power of appointment over trust property which is exercisable while the person is not serving as a trustee is a power of appointment and not a power of direction. [2020 c 303 s 5.]