

394.720 Definitions for KRS 394.720 to 394.750.

As used in KRS 394.720 to 394.750:

- (1) "Electronic" has the same meaning as in KRS 394.700;
- (2) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means;
- (3) "Electronic signature" means an electronic symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record;
- (4) "Information" includes data, text, images, codes, computer programs, software, and databases;
- (5) "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:
 1. A trust instrument;
 2. A trust power that under the terms of the trust requires a signed record;
 3. A certification of a trust under KRS 386B.10-120;
 4. A power of attorney that is durable under KRS Chapter 457;
 5. An agent's certification under KRS 457.430;
 6. A power of appointment;
 7. An advance directive or medical order for scope of treatment under KRS 311.621 to 311.643;
 8. A record directing disposition of an individual's body after death;
 9. A nomination of a guardian for the signing individual;
 10. A nomination of a guardian for a minor child or disabled adult child;
 11. An advance directive for mental health treatment under KRS 202A.420 to 202A.432;
 12. A community property survivorship agreement;
 13. A disclaimer under KRS 394.035 or KRS 394.610 to 394.670; and
 14. 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 a deed of real property or certificate of title for a motor vehicle, watercraft, or aircraft;
- (6) "Person" has the same meaning as in KRS 386B.1-010;
- (7) "Power of attorney" means a record that grants authority to an agent in place of the principal, even if the term is not used in the record;
- (8) "Record" has the same meaning as in KRS 394.700;
- (9) "Security procedure" means a procedure to verify that an electronic signature, record, or performance is that of a specific person or to detect a change or error in an electronic record. The term includes a procedure that uses an algorithm, code,

identifying word or number, encryption, or callback or other acknowledgment procedure;

- (10) "Settlor" has the same meaning as in KRS 386B.1-010;
- (11) "Sign" has the same meaning as in KRS 394.700;
- (12) "State" has the same meaning as in KRS 386B.1-010;
- (13) "Terms of a trust" has the same meaning as in KRS 386B.1-010;
- (14) "Trust instrument" has the same meaning as in KRS 386B.1-010; and
- (15) "Will" has the same meaning as in KRS 394.010

Effective: July 15, 2026

History: Created 2026 Ky. Acts ch. 134, sec. 41, effective July 15, 2026.