
SENATE BILL 5229

State of Washington 60th Legislature 2007 Regular Session

By Senators Kline, McCaslin and Kastama; by request of Attorney General

Read first time 01/15/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to marketing of estate distribution documents; and
2 adding a new chapter to Title 19 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds the marketing of
5 estate distribution documents by persons who are not authorized to
6 practice law or who are not acting directly under the supervision of a
7 person authorized to practice law may endanger a consumer's financial
8 security and frustrate his or her estate planning objectives.
9 Therefore, the legislature intends to prohibit the marketing of
10 services related to preparation of estate distribution documents by
11 persons who are not authorized to practice law.

12 NEW SECTION. **Sec. 2.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "Market" or "marketing" includes every offer, contract, or
15 agreement to prepare or gather information for the preparation of, or
16 to provide, individualized advice about an estate distribution
17 document.

1 (2) "Estate distribution document" means any one or more of the
2 following documents, instruments, or writings prepared, or intended to
3 be prepared, for a specific person or as marketing materials for
4 distribution to any person:

5 (a) Last will and testament or any writing, however designated,
6 that is intended to have the same legal effect as a last will and
7 testament, and any codicil thereto;

8 (b) Revocable and irrevocable inter vivos trusts and any instrument
9 which purports to transfer any of the trustor's current and/or future
10 interest in real or personal property thereto;

11 (c) Agreement that fixes the terms and provisions of the sale of a
12 decedent's interest in any real or personal property at or following
13 the date of the decedent's death.

14 (3) "Person" means any natural person, corporation, partnership,
15 limited liability company, firm, or association.

16 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (2) of
17 this section, it is unlawful for a person to market estate distribution
18 documents, directly or indirectly, in or from this state unless the
19 person is authorized to practice law in this state.

20 (2) A person employed by someone authorized to practice law in this
21 state may gather information for, or assist in the preparation of,
22 estate distribution documents as long as that person does not provide
23 any legal advice.

24 (3) This chapter applies to any person who markets estate
25 distribution documents in or from this state. Marketing occurs in this
26 state, whether or not either party is then present in this state, if
27 the offer originates in this state or is directed into this state or is
28 received or accepted in this state.

29 NEW SECTION. **Sec. 4.** The legislature finds that the practices
30 covered by this chapter are matters vitally affecting the public
31 interest for the purpose of applying the consumer protection act,
32 chapter 19.86 RCW. A violation of this chapter is not reasonable in
33 relation to the development and preservation of business and is an
34 unfair or deceptive act in trade or commerce and an unfair method of
35 competition for purposes of applying the consumer protection act,
36 chapter 19.86 RCW.

1 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute
2 a new chapter in Title 19 RCW.

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