

633B.120 Refusal to accept acknowledged power of attorney — liability.

1. Except as otherwise provided in [subsection 2](#), all of the following shall apply to a person's actions regarding an acknowledged power of attorney:

a. A person shall either accept an acknowledged power of attorney or request a certification, a translation, or an opinion of counsel under [section 633B.119, subsection 4](#), no later than seven business days after presentation of the power of attorney for acceptance.

b. If a person requests a certification, a translation, or an opinion of counsel under [section 633B.199, subsection 4*](#), the person shall accept the power of attorney no later than five business days after receipt of the certification, translation, or opinion of counsel.

c. A person shall not require an additional or different form of power of attorney for authority granted in the power of attorney presented unless an exception in [subsection 2](#) applies.

2. A person is not required to accept an acknowledged power of attorney if any of the following occurs:

a. The person is not otherwise required to engage in a transaction with the principal in the same circumstances.

b. Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law.

c. The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power.

d. A request for a certification, a translation, or an opinion of counsel under [section 633B.119, subsection 4](#), is refused.

e. The person in good faith believes that the power of attorney is not valid or that the agent does not have the authority to perform the act requested, or that the power of attorney does not comply with federal or state law or regulations, whether or not a certification, a translation, or an opinion of counsel under [section 633B.119, subsection 4](#), has been requested or provided.

f. The person makes, or has actual knowledge that another person has made, a report to the department of health and human services stating a good-faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or a person acting for or with the agent.

3. A person that refuses to accept an acknowledged power of attorney in violation of [this section](#) is subject to both of the following:

a. A court order mandating acceptance of the power of attorney.

b. Liability for damages sustained by the principal and reasonable attorney fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney, provided that any such action must be brought within one year of the initial request for acceptance of the power of attorney.

[2014 Acts, ch 1078, §22](#); [2016 Acts, ch 1088, §4, 8, 9](#); [2023 Acts, ch 19, §1283](#)

Referred to in [§633B.119](#)

*Reference to "section 633B.119, subsection 4" probably intended; corrective legislation is pending

Subsection 2, paragraph f amended