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#### CHAPTER 507

AN ACT to create 319.60 of the statutes, relating to gifts of securities to minors.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

319.60 of the statutes is created to read:

319.60 GIFTS OF SECURITIES TO MINORS. (1) DEFINITIONS. As used in this section:

(a) "Security" means any note, stock, bond, debenture, evidence of indebtedness, collateral trust certificate, transferable share, voting trust certificate, certificate of deposit for a security or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing.

(b) A security is in "registered form" when its terms specify a person entitled to the security or to the rights it evidences and specify that its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer.

(c) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any indorsement.

(d) "Member of the minor's family" means the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(e) "Legal representative" means, as may be appropriate in the circumstances, the executor, administrator or general guardian of the property of the person to whose legal representative reference is made.

(f) A gift made under authority of this section to a guardian of the minor as custodian shall be deemed to have satisfied the requirements of this section if the person to whom delivery has been made is either guardian of the person or guardian of the property of the minor, duly appointed in the state of Wisconsin or in the state, territory or country where the minor was domiciled at the time of the delivery of the gift.

(g) "Minor" means a person who has not attained the age of 21 years.

(2) MANNER OF MAKING GIFT. Any adult person may make a gift of securities to a person who is a minor on the date of the gift in the following manner:

(a) Securities, if in registered form, shall be registered by the donor in his own name or in the name of any adult member of the minor's family or in the name of any guardian of the minor, followed by the words "as custodian, for -----, a minor, under section  
(name of minor)

319.60 of the Wisconsin Statutes", and the securities shall be delivered to the person in whose name they are thus registered as custodian. If the securities are thus registered in the name of the donor as custodian such registration shall of itself constitute the delivery required by this section.

(b) Securities, if in bearer form, shall be delivered by the donor to any adult member of the minor's family, other than the donor, or to any guardian of the minor, accompanied by a deed of gift duly acknowledged in substantially the following form, signed by the donor and the person designated therein as custodian:

"Deed of Gift Under Section 319.60 of the Wisconsin Statutes

I, ----- do hereby  
(name of donor)

deliver to -----  
(name of custodian)

as custodian for -----,  
(name of minor)

a minor, under Section 319.60 of the Wisconsin Statutes the following securities:

Principal amount \$-----, of the -----  
(description of security)

Serial number of security -----

or  
Certificate No. -----, representing ----- shares of  
the -----  
(class or type of stock)

stock of -----  
(name of company)

-----  
(signature of donor)

I, ----- do hereby  
(name of custodian)

acknowledge receipt of the above described securities.

-----  
(signature of custodian)

Dated: -----"

(c) The person designated as a custodian under this subsection is hereinafter called "the custodian."

(3) EFFECT OF GIFT. A gift made in the manner prescribed in sub. (2) shall be irrevocable and shall convey to the minor indefeasibly vested legal title to the securities thus delivered, but no guardian of the person or property of the minor shall have any rights, duties or authority with respect to any property held at any time by the custodian under the authority of this section unless said guardian shall himself be or become custodian in accordance herewith.

(4) DUTIES AND POWERS OF CUSTODIAN. (a) The custodian shall hold, manage, invest and reinvest the property held by him as custodian, including any unexpended income therefrom, as hereinafter provided. He shall collect the income therefrom and apply so much or the whole thereof and so much or the whole of the other property held by him as custodian as he may deem advisable for the support, maintenance, education and general use and benefit of the minor, in such manner, at such time, and to such extent as the custodian in his absolute discretion may deem suitable and proper, without court order, without regard to the duty of any person to support the minor and without regard to any other funds which may be applicable or available for the purpose. To the extent that property held by the custodian and the income thereof is not so expended, it shall be delivered or paid over to the minor upon the minor's attaining the age of 21 years, and in the event that the minor dies before attaining the age of 21 years it shall thereupon be delivered or paid over to the estate of the minor.

(b) The custodian may sell, exchange, convert, or otherwise dispose of any and all of the securities or other property held by him in such manner and at such time, for such prices and upon such terms as he may deem advisable; he shall have the power in his sole and absolute discretion to retain any and all securities delivered to him within the meaning and under the authority of this section without reference to the statutes relating to permissible investments by fiduciaries; he shall invest the minor's property in such securities as would be acquired by prudent men of discretion and intelligence who are seeking a reasonable income and the preservation of their capital without reference to the statutes relating to permissible investments by fiduciaries or hold part or all of the same in one or more bank accounts in his name as such custodian; he may vote in person or by general or limited proxy with respect to any securities held by him; he may consent directly or through a committee or other agent to the reorganization, consolidation, dissolution or liquidation of any corporations, the securities of which may be held by him, or to the sale, lease, pledge or mortgage of any property by or to any such corporation.

(c) In addition to the foregoing rights, powers and duties with respect to any securities or other property held by the custodian, the custodian, in his name as such custodian, shall have all the powers of management which a guardian of the property of the minor would have.

(d) The custodian may execute and deliver any and all instruments in writing which he may deem advisable to carry out any of the foregoing powers. No issuer of securities, transfer agent, registrar or bank or other person acting on the instructions of any person purporting to be a custodian or donor shall be responsible for determining whether any person has been duly designated as a custodian under this section, or whether any purchase, sale or transfer to or by any person as custodian is in accordance with or authorized by this section, or shall be obliged to inquire into the validity under this section of any instrument or instructions executed or given by a person purporting to act as custodian or donor, or be bound to see to the application by any person purporting to act as cus-

todian of any money or other property paid or delivered to him. All registered securities held by the custodian from time to time shall be registered in his name followed by the words "as custodian for \_\_\_\_\_,  
(name of minor)

a minor under Section 319.60 of the Wisconsin Statutes". All other property held by the custodian for the minor under the authority of this section shall be kept separate and distinct from the custodian's own personal funds and property and shall be maintained at all times in such a manner as to identify it clearly as the minor's property held by the custodian under the authority of this section.

(5) COMPENSATION OF CUSTODIAN. A person acting as custodian, other than a guardian of the property of the minor, shall receive no compensation for his services but shall be entitled to reimbursement from the property held by him as custodian for the reasonable expenses incurred in the performance of his duties hereunder. A guardian of the property of the minor, when acting as custodian under the authority of this section, may receive such additional compensation for his services as guardian as he would be entitled to receive if the property held by him as custodian hereunder were held by him in his capacity as guardian, in addition to the other property of the minor held by him in that capacity.

(6) BOND AND LIABILITY OF CUSTODIAN. A custodian who is not compensated for acting as such shall be under no obligation to give bond for the faithful performance of his duties and shall not be liable for any losses to the property held by him except such as are the result of his bad faith or intentional wrongdoing or result from his investing the minor's property in a manner other than as prescribed in sub. (4) (b).

(7) RESIGNATION; SUCCESSOR CUSTODIAN. A custodian may resign by (a) executing and duly acknowledging an instrument of resignation designating a successor custodian who is an adult member of the minor's family or a guardian of the minor, (b) delivering such instrument to the successor custodian, (c) causing securities, if in registered form, to be registered in the name of the successor custodian as such, and (d) delivering to the successor custodian such securities so registered together with all other property held by him as custodian. In the alternative, the custodian may petition the county court for permission to resign and for the appointment of a successor custodian.

(8) DEATH OR INCAPACITY. In the event of the death or incapacity of the custodian before the minor attains the age of 21 years; and

(a) If there is a duly appointed and acting general guardian of the property of the minor, he shall become the successor custodian; but

(b) If there is no duly appointed and acting general guardian of the property of the minor; and

1. If the minor has attained the age of 14 years, he may designate in writing an adult member of the minor's family or a guardian of the minor as successor custodian; or

2. If the minor has not attained the age of 14 years, the successor custodian shall be the adult member of the minor's family or a guardian of the minor, designated by will or duly acknowledged instrument of appointment executed by the last acting custodian. If no such designation is made by the last acting custodian, his legal representative may designate in writing an adult member of the minor's family or a guardian of the minor as successor custodian.

(9) ABSENCE OF ACTING CUSTODIAN; PROCEDURE. At any time when there is no duly acting custodian the legal representative of the last acting custodian or any adult member of the minor's family or a guardian of the minor may petition the county court for the appointment of a successor custodian.

(10) **POWERS AND DUTIES OF SUCCESSOR.** Any successor custodian shall have all the rights, powers and duties of a custodian under the authority of this section.

(11) **ACCOUNTING.** The custodian shall not be required to account to the minor or to any other person for his acts and proceedings unless the minor, a parent of the minor, the legal representative of the minor or a successor custodian shall petition the county court for such an accounting no later than one year after the minor attains the age of 21 years or dies before attaining the age of 21 years.

(12) **METHOD NOT EXCLUSIVE.** This section shall not be construed as providing an exclusive method for making gifts of securities to minors.

Approved July 25, 1955.

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