

WEST VIRGINIA CODE: §39B-1-106

§39B-1-106. Validity of power of attorney.

- (a) A power of attorney executed in this state on or after the effective date of this act is valid if its execution complies with §39B-1-105 of this code.
- (b) A power of attorney executed in this state before the effective date of this act is valid if its execution complied with the law of this state that existed at the time of execution.
- (c) A power of attorney executed other than in this state is valid in this state if, when the power of attorney was executed, the execution complied with:
 - (1) The law of the jurisdiction that determines the meaning and effect of the power of attorney pursuant to §39B-1-107 of this code; or
 - (2) The requirements for a military power of attorney pursuant to 10 U. S. C. §1044b.
- (d) Except as otherwise provided by statute other than this act, a photocopy or electronically transmitted copy of an original power of attorney has the same effect as the original.
- (e) Notwithstanding the provisions of §39B-1-102 of this code, the fact that a person is either detained, including being incarcerated in a penal system, or is outside the United States and unable to return, does not create an inference that the person lacks the capacity to execute a power of attorney.