

## Summary of State Rule Against Perpetuities Laws

State	Rule Against Perpetuities	Statutory Citation
Alabama	Common-law Rule	Ala. St. §35-4-4
Alaska	<p>Powers of alienation cannot be suspended for more than 30 years after the death of an individual alive at the time when the power was suspended. <b>However, a power of alienation is not considered “suspended” if the trustee has the power to sell the trust property.</b></p>	AK ST §34.27.100
	<p>A general or nongeneral power of appointment not presently exercisable because of a condition precedent is invalid unless, within a period of <b>1,000 years</b> after its creation, either the power is irrevocably exercised or the power terminates.</p>	AK ST §34.27.051
Arizona	Common-law Rule generally applicable	ARS §33-261
	<p><b>The common-law Rule does not apply to a non-vested interest under a trust whose trustee has the expressed or implied power to sell the trust assets and at one or more times after the creation of the interest one or more persons who are living when the trust is created have an unlimited power to terminate the interest.</b></p>	ARS §14-2901(A)(3)
Arkansas	Uniform Statutory Rule Against Perpetuities	A.C.A. § 18-3-101
California	Uniform Statutory Rule Against Perpetuities	Cal. Prob. Code §21200
Colorado	<p><b>A nonvested property interest is invalid unless it either vests or terminates within 1,000 years after its creation.</b></p>	CRS §15-11-1102.5
Connecticut	Uniform Statutory Rule Against Perpetuities	Conn. Gen. Stat. §45a-491

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Delaware	<p align="center"><b>Rule Against Perpetuities does not apply to personal property in trust.</b></p> <p>Real property in trust must vest within <b>110 years</b>; “real property” does not include any intangible personal property, such as an interest in a corporation, limited liability company, partnership, statutory trust, business trust, or other entity, regardless of whether such entity is the owner of real property or any interest in real property.</p>	25 Del. C. §503
District of Columbia	Uniform Statutory Rule Against Perpetuities	DC ST §19-901
Florida	Uniform Statutory Rule Against Perpetuities	FL ST §689.225
Georgia	Uniform Statutory Rule Against Perpetuities	OCGA §44-6-200
Hawaii	Uniform Statutory Rule Against Perpetuities	HRS §525-1
Idaho	<p align="center"><b>There shall be no rule against perpetuities applicable to real or personal property.</b></p>	ID Code §55-111
	<p>The absolute power of alienation cannot be suspended for more than 25 years after the death of an individual alive at the time when the power was suspended. <b>However, there is no “suspension” of the power of alienation if the trustee has the power to sell trust property or if there is an unlimited power to terminate in one or more persons then alive.</b></p>	ID Code §55-111A
Illinois	<p align="center"><b>Rule does not apply to “qualified perpetual trusts” (any trust created on or after January 1, 1998, expressly states that the Rule doesn’t apply, and the trustee has the unlimited power to sell assets).</b></p>	IL ST Ch. 765, §305/4
Indiana	Uniform Statutory Rule Against Perpetuities	Ind. Code §§32-17-8-1
Iowa	Common-law Rule codified	Iowa Code §558.68
Kansas	Uniform Statutory Rule Against Perpetuities	KSA §59-3401

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Kentucky	<p><b>The common law rule against perpetuities shall not be in force.</b></p> <p>For trusts created after July 15, 2010, the power of alienation cannot be suspended for more than 21 years after the death of the individual or individuals then alive. <b>However, there is no “suspension” of the power of alienation if the trustee has the power to sell trust property or if there is an unlimited power to terminate in one or more persons then alive.</b></p>	KRS Chapter 381
Louisiana	The Rule Against Perpetuities is not known to the laws of Louisiana; laws only provide that a beneficiary must be in being and ascertainable on the date of the creation of the trust.	LA RS §9:1803
Maine	<p><b>Rule does not apply to trusts created after September 18, 1999 if trust expressly states that the Rule doesn’t apply, and the trustee has the power to sell, mortgage, or lease property for any period of time beyond the period that is required for an interest created under the governing instrument to vest in order to be valid under the Rule Against Perpetuities.</b></p>	33 ME RSA §101-A
Maryland	<p><b>Rule does not apply if trust was formed after October 1, 1998 and expressly states that the Rule doesn’t apply, and the trustee has the power to sell, mortgage, or lease property for any period of time beyond the period that is required for an interest created under the instrument to vest in order to be valid under the Rule Against Perpetuities.</b></p>	MD Est. & Trust §11-102(b)(5)
Massachusetts	Common-law Rule codified	MGLA c. 184A §1
Michigan	<p><b>Rule Against Perpetuities does not apply to personal property in trust</b></p>	MCLA §554.94
Minnesota	Uniform Statutory Rule Against Perpetuities	Minn. Stat. §501A.01
Mississippi	Mississippi has not codified the Rule Against Perpetuities, but the common-law Rule is mentioned in other statutes and in case law	N/A

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Missouri	<p><b>The Rule Against Perpetuities will not apply to a trust created after August 28, 2001, if a trustee has the power pursuant to the terms of the trust or applicable law to sell the trust property during the period of time the trust continues beyond the period of the Rule Against Perpetuities that would apply to the trust but for this subsection</b></p>	V.A.M.S. §456.025(1)
Montana	Uniform Statutory Rule Against Perpetuities	Mont. Code Ann. §72-2-1001
Nebraska	Uniform Statutory Rule Against Perpetuities	Neb. Rev. Stat. §76-2001
Nevada	Uniform Statutory Rule Against Perpetuities	NRS §111.103
New Hampshire	<p><b>The common law Rule Against Perpetuities shall not apply to any trust created after January 1, 2004 if: (1) the trust instrument contains a provision which expressly exempts the instrument from the application of the Rule Against Perpetuities; and (2) the trustee has the power under the governing instrument, applicable statute, or common law, to sell, mortgage, or lease property for any period of time beyond the period that is required for an interest created under the governing instrument to vest in order to be valid under the Rule Against Perpetuities</b></p>	N.H. Rev. Stat. §564:24
New Jersey	<p><b>No interest created in real or personal property shall be void by reason of any Rule Against Perpetuities, whether the common law Rule or otherwise. The common law Rule Against Perpetuities shall not be in force in this State.</b></p>	NJSA §46:2F-9
	<p>A trust is void if it suspends the power of alienation for more than 21 years after the death of an individual alive at the time when the power was suspended. <b>However, there is no “suspension” of the power of alienation if the trustee has the power to sell trust property or if there is an unlimited power to terminate in one or more persons then alive.</b></p>	NJSA §46:2F-10
New Mexico	Uniform Statutory Rule Against Perpetuities	NMSA §45-2-901

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New York	Common-law Rule codified	NY Est. Pow. & Trust §9-1.1
North Carolina	Uniform Statutory Rule Against Perpetuities generally applicable	NC Gen. Stat. §§41-15
	Powers of alienation cannot be suspended for more than 21 years after the death of an individual alive at the time when the power was suspended. <b>However, there is no “suspension of the power of alienability” if the trustee has the power to sell trust property or if there is an unlimited power to terminate in one or more persons in being.</b>	NC Gen. Stat. §§41-23
North Dakota	Uniform Statutory Rule Against Perpetuities	NDCC §47-02-27.1
Ohio	Common-law Rule generally applicable	OH ST §2131.08
	<b>No rule of law against perpetuities or suspension of the powers of alienation shall apply if the instrument creating the trust specifically states that no such rule applies and if either the trustee has the power to sell trust property, or if there is an unlimited power to terminate in one or more persons in being.</b>	OH ST §2131.09
Oklahoma	Common-law Rule codified	OK Const. Art. 2, Sec. 32; 60 OS Sec. 175.47
Oregon	Uniform Statutory Rule Against Perpetuities	ORS §105.950
Pennsylvania	<b>No interest shall be void as a perpetuity, and neither will any direction or authorization to accumulate income. However, if a power of appointment is exercised to create a new power of appointment, any interest created by the exercise of the new power of appointment is invalid if it does not vest within 360 years of the creation of the original power of appointment, unless the exercise of the new power of appointment expressly states that the provision shall not apply to the interests created by the exercise.</b>  <b>(Pending legislation would limit these provisions to interests created after December 31, 2006.)</b>	20 Pa.C.S. §6107.1

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Rhode Island	<p>The common law rule against perpetuities shall no longer be deemed to be in force and/or of any effect in this state, provided, the provisions of this section shall not be construed to invalidate or modify the terms of any interest which would have been valid prior to the effective date of this act, and, provided further, that the provisions of this section shall apply to both legal and equitable interests.</p>	RI GL §34-11-38
South Carolina	Uniform Statutory Rule Against Perpetuities	SC ST §27-6-10
South Dakota	<p><b>The common-law Rule Against Perpetuities is not in force in this state</b></p>	SDCL §43-5-8
	<p>A trust is void if it suspends the power of alienation for more than 30 years after the death of an individual alive at the time when the power was suspended. <b>However, there is no “suspension” of the power of alienation if the trustee has the power to sell trust property or if there is an unlimited power to terminate in one or more persons then alive.</b></p>	<p>SDCL §43-5-1 SDCL §43-5-2 SDCL §43-5-4</p>
Tennessee	<p>Common-law Rule generally applicable, <b>but as to any trust created after June 30, 2007, or that becomes irrevocable after June 30, 2007, the terms of the trust may require that all beneficial interests in the trust vest or terminate or the power of appointment is exercised within three hundred sixty (360) years.</b></p>	TCA §66-1-202(f)
Texas	<p>Common-law Rule codified</p> <p><b>(Pending legislation would require that a trust vests, if at all, no later than 200 years after the effective date of the trust, if the effective date is on or after September 1, 2011.)</b></p>	TX Prop. Code §112.036
Utah	<p>A nonvested property interest is invalid unless within <b>1,000 years</b> after the interest's creation the interest vests or terminates.</p>	UT ST §75-2-1203(1)

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Vermont	Vermont has not codified the Rule Against Perpetuities, but the common-law Rule is mentioned in other statutes and in case law.	N/A
Virginia	Uniform Statutory Rule Against Perpetuities	Va Code §55-12.1
Washington	No provision of an instrument creating a trust, including the provisions of any further trust created, and no other disposition of property made pursuant to exercise of a power of appointment granted in or created through authority under such instrument is invalid under the Rule Against Perpetuities, or any similar statute or common law, during the <b>150 years</b> following the effective date of the instrument. Thereafter, unless the trust assets have previously become distributable or vested, the provision or other disposition of property is deemed to have been rendered invalid under the Rule Against Perpetuities.	RCW §11.98.130
West Virginia	Uniform Statutory Rule Against Perpetuities	W.Va. ST §36-1A-1
Wisconsin	A future interest or trust is void if it suspends the power of alienation for longer than lives in being plus 30 years. <b>However, an interest is not considered “suspended” if the trustee has power to sell the trust property, or if there is an unlimited power to terminate in one or more persons in being.</b>	Wis. Stat. §700.16(5)
Wyoming	<b>The Rule will not apply to a trust created after July 1, 2003 if: (1) the trust instrument states that the Rule Against Perpetuities shall not apply to the trust; (2) the trust instrument states that the trust shall terminate no later than 1,000 years after the trust's creation; and (3) the trust is governed by the laws of this state and the trustee maintains a place of business, administers the trust in this state, or is a resident of this state.</b> The common-law Rule will generally continue to apply to real property held in such a trust.	WY ST §34-1-139

Note: This chart does not specify whether a state that has a Rule Against Perpetuities has adopted a “wait and see” approach.