Summary of State Rule Against Perpetuities Laws

State	Rule Against Perpetuities	Statutory Citation
Alabama	Common-law Rule	Ala. St. §35-4-4
Alaska	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. **However, a power of alienation is not considered "suspended" if the trustee has the power to sell the trust property**.	AK ST §34.27.100
	A general or nongeneral power of appointment not presently exercisable because of a condition precedent is invalid unless, within a period of 1,000 years after its creation, either the power is irrevocably exercised or the power terminates.	AK ST §34.27.051
Arizona	Common-law Rule generally applicable	ARS §33-261
	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.	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	A nonvested property interest is invalid unless it either vests or terminates within 1,000 years after its creation.	CRS §15-11-1102.5
Connecticut	Uniform Statutory Rule Against Perpetuities	Conn. Gen. Stat. §45a-491

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State	Rule Against Perpetuities	Statutory Citation
Delaware	**Rule Against Perpetuities does not apply to personal property in trust.** Real property in trust must vest within 110 years; "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.	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	**Rule abolished as to personal property**; modified as to real property: The absolute power of alienation of real property cannot be suspended by any limitation or condition whatever, for a longer period than during the continuance of the lives of the persons in being at the creation of the limitation or condition, and 25 years thereafter; there shall be no Rule Against Perpetuities applicable to real or personal property, nor any rule prohibiting the placing of restraints on the alienation of personal property; no trust heretofore or hereafter created, either testamentary or inter vivos, shall be declared void, but shall be so construed as to eliminate parts violating the above provisions, and in such a way that the testators or trustors wishes are carried out to the greatest extent permitted by this act; that there shall be no presumption that a person is capable of having children at any stage of adult life.	ID Code §55-111
Illinois	**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).**	IL ST Ch. 765, §305/4

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State	Rule Against Perpetuities	Statutory Citation
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
Kentucky	Common-law Rule codified	KRS §381.215
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	**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.**	33 ME RSA §101-A
Maryland	**Rule does not apply 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 instrument to vest in order to be valid under the Rule Against Perpetuities.**	MD Est. & Trust §11-102(5)
Massachusetts	Common-law Rule codified	MGLA c. 184A §1
Michigan	Uniform Statutory Rule Against Perpetuities **(Legislation has been introduced to abolish the Rule with respect to personal property. 2007 MI H.B. 4602.)**	MCLA §554.71
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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State	Rule Against Perpetuities	Statutory Citation
Missouri	**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**	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	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	N.H. Rev. Stat. §564:24
New Jersey	**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.**	NJSA §46:2F-9
New Mexico	Uniform Statutory Rule Against Perpetuities	NMSA §45-2-901
New York	Common-law Rule codified	NY Est. Pow. & Trust §9-1.1
North Carolina	Uniform Statutory Rule Against Perpetuities **(Legislation is currently pending that is similar to Alaska's statute, which provides that a power of alienation is not considered "suspended" if the trustee has the power to sell the trust property, or if there is an unlimited power to terminate in one or more persons in being. 2007 NC H.B. 1384.)**	NC Gen. Stat. §§41-15

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State	Rule Against Perpetuities	Statutory Citation
North Dakota	Uniform Statutory Rule Against Perpetuities	NDCC §47-02-27.1
Ohio	Common-law Rule codified	OH ST §2131.08
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	Common-law Rule codified	20 Pa.C.S. §6104
Rhode Island	**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.**	RI GL §34-11-38
South Carolina	Uniform Statutory Rule Against Perpetuities	SC ST §27-6-10
South Dakota	**The common-law Rule Against Perpetuities is not in force in this state**	SDCL §43-5-8
Tennessee	Common-law Rule generally applicable, 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. Provided, however, this section (f) shall only apply to trusts that grant a power of appointment at death to at least one member of each generation of beneficiaries who are beneficiaries of the trust more than ninety (90) years after the creation of the interest. The permissible appointees of each such power of appointment must at least include all descendants of the beneficiary, yet may include other persons	TCA §66-1-202(f)
Texas	Common-law Rule codified	TX Prop. Code §112.036
Utah	A nonvested property interest is invalid unless within 1,000 years after the interest's creation the interest vests or terminates	UT ST §75-2-1203(1)

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State	Rule Against Perpetuities	Statutory Citation
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 150 years 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. **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.**	Wis. Stat. §700.16(5) *No RAP problem as long as the trustee has the power to sell trust assets.
Wyoming	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.	WY ST §34-1-139(b)

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

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