

H.F. No. 244 – Uniform Electronic Wills Act

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Overview

Under current law, wills are expressly exempt from laws authorizing electronic signatures and notarization. **H.F. 244** includes legislation developed by the Uniform Laws Commission that authorizes a will to be made electronically. Similar legislation has been enacted in Washington, North Dakota, Utah, and Colorado.

Summary

Section 1 modifies the definition of “will” to include electronic wills and adds the following definitions to the probate code:

- “electronic will” means a will in an electronic format that can be verified as being unaltered after its signing.
- “presence” or “conscious presence” means being in a physical location to see and hear the testator, or communicating through electronic means in a way that sight and sound are similar to being in-person;
- “signed” or “signing” means signing by applying a mark or signature or affixing a writing with an electronic symbol, signature, or mark to execute a will;
- “witnessing” means observing someone sign or acknowledge the signing of a will in the presence of the testator; and
- “writing” or “written instrument or statement” mean any permanent record that is readable as text at the time of signing and retrievable in a tangible medium or electronically.

Section 2 authorizes a will to be self-proving when it is signed in the presence of another person, which may include allowing the person to communicate through electronic means if they can see and hear another person.

Sections 3 and 4 make technical and conforming changes.

Section 5 authorizes a person to create a certified paper copy of an electronic will, which must include the self-proving affidavit if the will is self-proving; and allows a certified paper copy to be used as an original will when required by the probate code.