

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 672,
2 Page 1, Section A, Line 3, by inserting after all of said section and line the following:

3
4 "30.250. 1. The state treasurer shall enter into a written contract with each depositary
5 setting forth the conditions and terms upon which the moneys of the state are deposited therewith
6 and containing among its provisions and conditions the following:

7 (1) The amount of the moneys of the state to be entrusted to each depositary;

8 (2) With respect to demand deposits, the time such contract shall continue with the right
9 reserved to each the state treasurer and the depositary to terminate the contract at any time upon
10 giving ninety days' notice to the other party of his or her or its intention to do so;

11 (3) With respect to time deposits, the conditions as to time and notice which need be given
12 in regard to withdrawals and the rate of interest which the depositary shall be obligated to pay;

13 (4) Provisions requiring that the depositary shall:

14 (a) Safely keep such deposits;

15 (b) Pay demand deposits on the state treasurer's demand therefor; and

16 (c) Pay time deposits only in accordance with the contract with the depositary;

17 (5) That such depositary shall secure the state moneys with the amount and character of
18 securities provided for in section 30.270, such securities to be held at the expense of the depositary;

19 (6) That no item of security deposited by a depositary under the terms of the contract shall
20 be withdrawn without the written consent of the state treasurer; and that otherwise the
21 representatives of the state of Missouri shall have the rights prescribed by sections 30.270 and
22 30.280;

23 (7) That the depositary shall, at times specified by the state treasurer, render a statement
24 showing the daily activity in the account;

25 (8) That in the event the depositary shall default in any manner in performing any of the
26 terms and conditions of the contract, or shall fail to keep safely the moneys of the state deposited
27 with it, the state treasurer shall be authorized forthwith without notice, advertisement or demand,
28 and at public or private sale, to convert into money the securities deposited, or as many of them as
29 may be necessary to pay the whole amount of the state deposits in such depositary; and

30 (9) The contract for state funds may be for a period of up to [~~five years~~] six months. After
31 each six month period, the state treasurer shall utilize the request for proposal process for the
32 purpose of contracting with a depositary.

33 2. Upon the execution of such contracts the state treasurer shall deliver a copy thereof to the
34 governor, a copy thereof to the state auditor, a copy thereof to the depositary, shall file another copy
35 with the secretary of state, and shall retain the contract in his own office."; and
36

Action Taken _____ Date _____

Further amend said bill, Page 3, Section 210.115, Line 65, by inserting immediately after all of said section and line the following:

"456.006. 1. Where a trust or custodial account constitutes a health savings account, as defined under 26 U.S.C. Section 223(d)(1), as amended, a trust may be created by any of the following:

- (1) A transfer of moneys to the trustee or custodian holding such trust or custodial account;
- (2) The documentation of the creation of such trust or custodial account in the records of the trustee or custodian holding such trust or custodial account; or
- (3) The execution of a trust or custodial agreement with respect to such trust or custodial account.

2. In any case, a trust or custodial account shall be deemed to have been established on the first day on which the individual who is the beneficiary of such trust or custodial account is an eligible individual, as defined under 26 U.S.C. Section 223(c)(1), as amended, in that calendar year in which such trust or custodial account is created in accordance with this section.

456.985. 1. Except as otherwise provided in the terms of an instrument creating or exercising a power of appointment, sections 456.970 to 456.1135 govern powers of appointment.

2. The terms of an instrument creating or exercising a power of appointment prevail over any provisions of sections 456.970 to 456.1135 except:

(1) The requisites for the creation of a power of appointment under subsections 1 to 4 of section 456.990;

(2) The transferability of a power of appointment by a powerholder under subsection 1 of section 456.995;

~~[(2)]~~ (3) The limitations on the authority of a donor to extend a general power of appointment beyond the death of a powerholder under subsection 3 of section 456.995;

~~[(3)]~~ (4) The power is exclusionary if the permissible appointees of a power of appointment are not defined and limited under subsection 3 of section 456.1005;

~~[(4)]~~ (5) The requisites for the exercise of a power of appointment under section 456.1015;

~~[(5)]~~ (6) The effect of an impermissible appointment under section 456.1045;

~~[(6)]~~ (7) A general power of appointment which is presently exercisable may be reached by the creditors of the powerholder or the powerholder's estate under section 456.1100.

456.1035. 1. A powerholder of a general power of appointment that permits appointment to the powerholder or the powerholder's estate may make any appointment, including an appointment in trust or creating a new power of appointment, that the powerholder could make in disposing of the powerholder's own property.

2. A powerholder of a general power of appointment that permits appointment only to the creditors of the powerholder or of the powerholder's estate may appoint only to those creditors.

3. The powerholder of a nongeneral power may:

(1) Make an appointment in any form, including an appointment in trust, in favor of a permissible appointee;

(2) Create a general power or nongeneral power in a permissible appointee; or

(3) Create a nongeneral power in any person to appoint to one or more of the permissible appointees of the original nongeneral power.

456.1080. As provided by sections 469.010 to ~~[469.210]~~ 469.120, a powerholder may disclaim all or part of a power of appointment, and a permissible appointee, appointee, or taker in default of appointment may disclaim all or part of an interest in appointive property.

456.4-414. 1. After notice to the qualified beneficiaries, the trustee of a trust consisting of trust property having a total value less than ~~[one hundred thousand]~~ two hundred fifty thousand

dollars may terminate the trust if the trustee concludes that the value of the trust property is insufficient to justify the cost of administration.

2. The court may modify or terminate a trust or remove the trustee and appoint a different trustee if it determines that the value of the trust property is insufficient to justify the cost of administration.

3. Upon termination of a trust under this section, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust.

4. This section does not apply to an easement for conservation or preservation."; and

Further amend said bill, Page 5, Section 456.4-420, Line 71, by inserting immediately after all of said section and line the following:

"472.400. Sections 472.400 to 472.490 shall be known and may be cited as the "Missouri Fiduciary Access to Digital Assets Act".

472.405. As used in sections 472.400 to 472.490, the following terms mean:

(1) "Access", includes view, marshal, manage, copy, distribute, or delete;

(2) "Account", an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user;

(3) "Agent", an attorney-in-fact granted authority under a durable or nondurable power of attorney;

(4) "Carries", engages in the transmission of electronic communications;

(5) "Catalogue of electronic communications", information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person;

(6) "Conservator", a person appointed by a court to have the care and custody of the estate of a minor or a disabled person. A "limited conservator" is one whose duties or powers are limited. The term "conservator", as used in sections 472.400 to 472.490, includes limited conservator unless otherwise specified or apparent from the context;

(7) "Content of an electronic communication", information concerning the substance or meaning of the communication which:

(a) Has been sent or received by a user;

(b) Is in electronic storage by a custodian providing an electronic-communication service to the public or is carried or maintained by a custodian providing a remote-computing service to the public; and

(c) Is not readily accessible to the public;

(8) "Court", any court with competent jurisdiction within this state;

(9) "Custodian", a person that carries, maintains, processes, receives, or stores a digital asset of a user;

(10) "Designated recipient", a person chosen by a user using an online tool to administer digital assets of the user;

(11) "Digital asset", an electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record;

(12) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(13) "Electronic communication", the same meaning as set forth in 18 U.S.C. Section 2510(12), as amended;

1 (14) "Electronic communication service", a custodian that provides to a user the ability to
 2 send or receive an electronic communication;

3 (15) "Fiduciary", an original, additional, or successor personal representative, conservator,
 4 agency, or trustee;

5 (16) "Information", data, text, images, videos, sounds codes, computer programs, software,
 6 databases, or the like;

7 (17) "Online tool", an electronic service provided by a custodian that allows the user, in an
 8 agreement distinct from the terms-of-service agreement between the custodian and user, to provide
 9 directions for disclosure or nondisclosure of digital assets to a third person;

10 (18) "Person", an individual, estate, trust, business or nonprofit entity, public corporation,
 11 government or governmental subdivision, agency, instrumentality, or other legal entity;

12 (19) "Personal representative", executor or administrator, including an administrator with
 13 the will annexed, an administrator de bonis non, an administrator pending contest, an administrator
 14 during minority or absence, and any other type of administrator of the estate of a decedent whose
 15 appointment is permitted, or any person who performs substantially the same function under the law
 16 of Missouri, including without limitation an affiant who has filed a small estate affidavit under
 17 section 473.097. It does not include an executor de son tort;

18 (20) "Power of attorney", a record that grants an agent authority to act in the place of a
 19 principal;

20 (21) "Principal", an individual who grants authority to an agent in a power of attorney;

21 (22) "Protected person", an individual for whom a conservator has been appointed,
 22 including a protectee, a disabled person, and an individual for whom an application for the
 23 appointment of a conservator is pending;

24 (23) "Record", information that is inscribed on a tangible medium or that is stored in an
 25 electronic or other medium and is retrievable in perceivable form;

26 (24) "Remote computing service", a custodian that provides to a user computer processing
 27 services or the storage of digital assets by means of an electronic communications system, as
 28 defined in 18 U.S.C. Section 2510(14), as amended;

29 (25) "Terms-of-service agreement", an agreement that controls the relationship between a
 30 user and a custodian;

31 (26) "Trustee", a fiduciary with legal title to property under an agreement or declaration that
 32 creates a beneficial interest in another, including an original, additional, and successor trustee, and a
 33 co-trustee;

34 (27) "User", a person that has an account with a custodian;

35 (28) "Will", includes a testamentary instrument, a codicil, a testamentary instrument that
 36 only appoints an executor, and an instrument that revokes or revises a testamentary instrument.
 37 472.410. 1. Sections 472.400 to 472.490 shall apply to:

38 (1) A fiduciary or agent acting under a will or power of attorney executed before, on, or
 39 after the effective date of sections 472.400 to 472.490;

40 (2) A personal representative acting for a decedent who dies before, on, or after the
 41 effective date of sections 472.400 to 472.490;

42 (3) A conservatorship proceeding commenced before, on, or after the effective date of
 43 sections 472.400 to 472.490; and

44 (4) A trustee acting under a trust created before, on, or after the effective date of sections
 45 472.400 to 472.490.

46 2. Sections 472.400 to 472.490 shall apply to a custodian if the user resides in this state or
 47 resided in this state at the time of the user's death.

48 3. Sections 472.400 to 472.490 shall not apply to a digital asset of an employer used by an

1 employee in the ordinary course of the employer's business.

2 472.415. 1. A user may use an online tool to direct the custodian to disclose to a designated
3 recipient or not to disclose some or all of the user's digital assets, including the content of electronic
4 communications. If the online tool allows the user to modify or delete a direction at all times, a
5 direction regarding disclosure using an online tool overrides a contrary direction by the user in a
6 will, trust, power of attorney, or other record.

7 2. If a user has not used an online tool to give direction under subsection 1 of this section or
8 if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust,
9 power of attorney, or other record, disclosure to a fiduciary of some or all of the user's digital assets,
10 including the content of electronic communications sent or received by the user.

11 3. A user's direction under subsection 1 or 2 of this section overrides a contrary provision in
12 a terms-of-service agreement that does not require the user to act affirmatively and distinctly from
13 the user's assent to the terms of service.

14 472.420. 1. Sections 472.400 to 472.490 shall not change or impair a right of a custodian or
15 a user under a terms-of-service agreement to access and use digital assets of the user.

16 2. Sections 472.400 to 472.490 shall not give a fiduciary or a designated recipient any new
17 or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or
18 designated recipient acts or represents.

19 3. A fiduciary's or a designated recipient's access to digital assets may be modified or
20 eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided
21 direction under section 472.415.

22 472.425. 1. When disclosing digital assets of a user under sections 472.400 to 472.490, the
23 custodian may, at its sole discretion:

24 (1) Grant a fiduciary or designated recipient full access to the user's account;

25 (2) Grant a fiduciary or designated recipient partial access to the user's account sufficient to
26 perform the tasks with which the fiduciary or designated recipient is charged; or

27 (3) Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on
28 the date the custodian received the request for disclosure, the user could have accessed if the user
29 were alive and had full capacity and access to the account.

30 2. A custodian may assess a reasonable administrative charge for the cost of disclosing
31 digital assets under sections 472.400 to 472.490.

32 3. A custodian shall not disclose under sections 472.400 to 472.490 a digital asset deleted
33 by a user.

34 4. If a user directs or a fiduciary requests a custodian to disclose under sections 472.400 to
35 472.490 some, but not all, of the user's digital assets, the custodian need not disclose the assets if
36 segregation of the assets would impose an undue burden on the custodian. If the custodian believes
37 the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from
38 the court to disclose:

39 (1) A subset limited by date of the user's digital assets;

40 (2) All of the user's digital assets to the fiduciary or designated recipient;

41 (3) None of the user's digital assets; or

42 (4) All of the user's digital assets to the court for review in camera.

43 472.430. If a deceased user consented or a court directs disclosure of the contents of
44 electronic communications of the user, the custodian shall disclose to the personal representative of
45 the estate of the user the content of an electronic communication sent or received by the user if the
46 representative gives the custodian:

47 (1) A written request for disclosure in physical or electronic form;

48 (2) A certified copy of the death certificate of the user;

1 (3) A certified copy of the letters testamentary or letters of administration of the
2 representative or a certified copy of the certificate of clerk in connection with a small-estate
3 affidavit or court order;

4 (4) Unless the user provided direction using an online tool, then in the case of user consent
5 to disclosure, a copy of the user's will, trust, power of attorney, or other record evidencing the user's
6 consent to disclosure of the content of electronic communications; and

7 (5) If requested by the custodian for the purpose of identifying the correct account of the
8 user:

9 (a) A number, username, address, or other unique subscriber or account identifier assigned
10 by the custodian to identify the user's account;

11 (b) Evidence linking the account to the user; or

12 (c) A finding by the court that:

13 a. The user had a specific account with the custodian, identifiable by the information
14 specified in paragraph (a) of this subdivision;

15 b. Disclosure of the content of electronic communications of the user would not violate 18
16 U.S.C. Section 2701, et seq., as amended, 47 U.S.C. Section 222, as amended, or other applicable
17 law;

18 c. Unless the user provided direction using an online tool, the user consented to disclosure
19 of the content of electronic communications; or

20 d. Disclosure of the content of electronic communications of the user is reasonably
21 necessary for administration of the estate.

22 472.435. Unless the user prohibited disclosure of digital assets or the court directs
23 otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a
24 catalogue of electronic communications sent or received by the user and digital assets, other than the
25 content of electronic communications, of the user, if the representative gives the custodian:

26 (1) A written request for disclosure in physical or electronic form;

27 (2) A certified copy of the death certificate of the user;

28 (3) A certified copy of the letters testamentary or letters of administration of the
29 representative or a certified copy of certificate of clerk in connection with a small-estate affidavit or
30 court order; and

31 (4) If requested by the custodian for the purpose of identifying the correct account of the
32 correct user:

33 (a) A number, username, address, or other unique subscriber or account identifier assigned
34 by the custodian to identify the user's account;

35 (b) Evidence linking the account to the user;

36 (c) An affidavit stating that disclosure of the user's digital assets is reasonably necessary for
37 administration of the estate; or

38 (d) A finding by the court that:

39 a. The user had a specific account with the custodian, identifiable by the information
40 specified in paragraph (a) of this subdivision; or

41 b. Disclosure of the user's digital assets is reasonably necessary for administration of the
42 estate.

43 472.440. To the extent a power of attorney expressly grants an agent authority over the
44 content of an electronic communication sent or received by the principal and unless directed
45 otherwise by the principal or the court, a custodian shall disclose to the agent the content if the agent
46 gives the custodian:

47 (1) A written request for disclosure in physical or electronic form;

48 (2) An original or copy of the power of attorney expressly granting the agent authority over

1 the content of electronic communications of the principal;

2 (3) A certification by the agent, under penalty of perjury, that the power of attorney is in
3 effect; and

4 (4) If requested by the custodian for the purpose of identifying the correct account of the
5 correct user:

6 (a) A number, username, address, or other unique subscriber or account identifier assigned
7 by the custodian to identify the principal's account; or

8 (b) Evidence linking the account to the principal.

9 472.445. Unless otherwise ordered by the court, directed by the principal, or provided by a
10 power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or
11 general authority to act on behalf of a principal a catalogue of electronic communications sent or
12 received by the principal and digital assets, other than the content of electronic communications, of
13 the principal if the agent gives the custodian:

14 (1) A written request for disclosure in physical or electronic form;

15 (2) An original or a copy of the power of attorney that gives the agent specific authority
16 over digital assets or general authority to act on behalf of the principal;

17 (3) A certification by the agent, under penalty of perjury, that the power of attorney is in
18 effect; and

19 (4) If requested by the custodian for the purpose of identifying the correct account of the
20 correct user:

21 (a) A number, username, address, or other unique subscriber or account identifier assigned
22 by the custodian to identify the principal's account; or

23 (b) Evidence linking the account to the principal.

24 472.450. Unless otherwise ordered by the court or provided in a trust, a custodian shall
25 disclose to a trustee that is an original user of an account any digital asset of the account held in
26 trust, including a catalogue of electronic communications of the trustee and the content of the
27 electronic communications.

28 472.455. Unless otherwise ordered by the court, directed by the user, or provided in a trust,
29 a custodian shall disclose to a trustee that is not an original user of an account the content of an
30 electronic communication sent or received by an original or successor user and carried, maintained,
31 processed, received, or stored by the custodian in the account of the trust if the trustee gives the
32 custodian:

33 (1) A written request for disclosure in physical or electronic form;

34 (2) A certified copy of the trust instrument or a certification of the trust under section
35 456.10-1013 that includes consent to disclosure of the content of electronic communications to the
36 trustee;

37 (3) A certification by the trustee, under penalty of perjury, that the trust exists and the
38 trustee is a currently acting trustee of the trust; and

39 (4) If requested by the custodian for the purpose of identifying the correct account of the
40 correct user:

41 (a) A number, username, address, or other unique subscriber or account identifier assigned
42 by the custodian to identify the trust's account; or

43 (b) Evidence linking the account to the trust.

44 472.460. Unless otherwise ordered by the court, directed by the user, or provided in a trust,
45 a custodian shall disclose to a trustee that is not an original user of an account a catalogue of
46 electronic communications sent or received by an original or successor user and stored, carried, or
47 maintained by the custodian in an account of the trust and any digital assets, other than the content
48 of electronic communications, in which the trust has a right or interest if the trustee gives the

1 custodian:

2 (1) A written request for disclosure in physical or electronic form;

3 (2) A certified copy of the trust instrument or a certification of the trust under section
4 456.10-1013;

5 (3) A certification by the trustee, under penalty of perjury, that the trust exists and the
6 trustee is a currently acting trustee of the trust; and

7 (4) If requested by the custodian for the purpose of identifying the correct account of the
8 correct user:

9 (a) A number, username, address, or other unique subscriber or account identifier assigned
10 by the custodian to identify the trust's account; or

11 (b) Evidence linking the account to the trust.

12 472.465. 1. After an opportunity for a hearing under Missouri conservatorship law, the
13 court may grant a conservator access to the digital assets of a protected person.

14 2. Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to
15 a conservator the catalogue of electronic communications sent or received by a protected person and
16 any digital assets, other than the content of electronic communications, in which the protected
17 person has a right or interest if the conservator gives the custodian:

18 (1) A written request for disclosure in physical or electronic form;

19 (2) A certified copy of the court order that gives the conservator authority over the digital
20 assets of the protected person; and

21 (3) If requested by the custodian for the purpose of identifying the correct account of the
22 correct user:

23 (a) A number, username, address, or other unique subscriber or account identifier assigned
24 by the custodian to identify the account of the protected person; or

25 (b) Evidence linking the account to the protected person.

26 3. A conservator with general authority to manage the assets of a protected person may
27 request a custodian of the digital assets of the protected person to suspend or terminate an account
28 of the protected person for good cause. A request made under this subsection shall be accompanied
29 by a certified copy of the court order giving the conservator authority over the protected person's
30 property.

31 472.470. 1. The legal duties imposed on a fiduciary charged with managing tangible
32 property apply to the management of digital assets, including:

33 (1) The duty of care;

34 (2) The duty of loyalty; and

35 (3) The duty of confidentiality.

36 2. A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

37 (1) Except as otherwise provided in section 472.415, is subject to the applicable terms-of-
38 service agreement;

39 (2) Is subject to other applicable law, including copyright law;

40 (3) In the case of a fiduciary, is limited by the scope of the fiduciary's duties; and

41 (4) Shall not be used to impersonate the user.

42 3. A fiduciary with authority over the property of a decedent, protected person, principal, or
43 settlor has the right to access any digital asset in which the decedent, protected person, principal, or
44 settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service
45 agreement.

46 4. A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the
47 property of the decedent, protected person, principal, or settlor for the purpose of applicable
48 computer-fraud and unauthorized-computer-access laws, including Missouri law on unauthorized

1 computer access.

2 5. A fiduciary with authority over the tangible, personal property of a decedent, protected
3 person, principal, or settlor:

4 (1) Has the right to access the property and any digital asset stored in it; and

5 (2) Is an authorized user for the purpose of computer-fraud and unauthorized-computer-
6 access laws, including Missouri law on unauthorized computer access.

7 6. A custodian may disclose information in an account to a fiduciary of the user when the
8 information is required to terminate an account used to access digital assets licensed to the user.

9 7. A fiduciary of a user may request a custodian to terminate the user's account. A request
10 for termination shall be in writing, in either physical or electronic form, and accompanied by:

11 (1) If the user is deceased, a certified copy of the death certificate of the user;

12 (2) A certified copy of the letter of testamentary or letters of administration of the
13 representative or a certified copy of the certificate of clerk in connection with a small-estate
14 affidavit or court order, power of attorney, or trust giving the fiduciary authority over the account;
15 and

16 (3) If requested by the custodian for the purpose of identifying the correct account of the
17 correct user:

18 (a) A number, username, address, or other unique subscriber or account identifier assigned
19 by the custodian to identify the user's account;

20 (b) Evidence linking the account to the user; or

21 (c) A finding by the court that the user had a specific account with the custodian,
22 identifiable by the information specified in paragraph (a) of this subdivision.

23 472.475. 1. Not later than sixty days after receipt of the information required under sections
24 472.430 to 472.470, a custodian shall comply with a request under sections 472.400 to 472.490
25 from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the
26 custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order
27 directing compliance.

28 2. An order under subsection 1 of this section directing compliance shall contain a finding
29 that compliance is not in violation of 18 U.S.C. Section 2702, as amended.

30 3. A custodian may notify the user that a request for disclosure or to terminate an account
31 was made under sections 472.400 to 472.490.

32 4. A custodian may deny a request under sections 472.400 to 472.490 from a fiduciary or
33 designated recipient for disclosure of digital assets or to terminate an account if the custodian is
34 aware of any lawful access to the account following the receipt of the fiduciary's request.

35 5. Sections 472.400 to 472.490 do not limit a custodian's ability to obtain or require a
36 fiduciary or designated recipient requesting disclosure or termination under such sections to obtain a
37 court order which:

38 (1) Specifies that an account belongs to the protected person or principal;

39 (2) Specifies that there is sufficient consent from the protected person or principal to
40 support the requested disclosure; and

41 (3) Contains a finding required by law other than as provided under sections 472.400 to
42 472.490.

43 6. A custodian and its officers, employees, and agents are immune from liability for an act
44 or omission done in good faith in compliance with sections 472.400 to 472.490.

45 472.480. In applying and construing sections 472.400 to 472.490, consideration may be
46 given to the need to promote uniformity of the law with respect to its subject matter among states
47 that enact similar provisions.

48 472.485. Sections 472.400 to 472.490 modify, limit, or supersede the Electronic Signatures

1 in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but do not modify, limit, or
2 supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of
3 any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

4 472.490. If any provision of sections 472.400 to 472.490 or the application of such sections
5 to any person or circumstance is held invalid, the invalidity does not affect other provisions or
6 application of sections 472.400 to 472.490 which can be given effect without the invalid provision
7 or application, and to this end the provisions of sections 472.400 to 472.490 are severable.

8 474.150. 1. Any gift made by a married person, whether dying testate or intestate, in fraud
9 of the marital rights of ~~[his]~~ the surviving spouse ~~[to share in his estate]~~ to whom the decedent was
10 married at the time of such gift and who may share in the decedent's estate, shall, at the election of
11 ~~[the]~~ such surviving spouse, be treated as a testamentary disposition and may be recovered from the
12 donee and persons taking from ~~[him]~~ the decedent without adequate consideration and applied to the
13 payment of the spouse's share, as in case of his or her election to take against the will.

14 2. Any conveyance of real estate made by a married person at any time without the joinder
15 or other written express assent of ~~[his]~~ such spouse, made at any time, duly acknowledged, is
16 deemed to be in fraud of the marital rights of ~~[his]~~ such spouse, if the spouse becomes a surviving
17 spouse, unless the contrary is shown.

18 3. Any conveyance of the property of the spouse of a disabled person is deemed not to be in
19 fraud of the marital rights of the disabled person if the probate division of the circuit court
20 authorizes the conservator of the disabled person to join in or assent to the conveyance after finding
21 that it is not made in fraud of the marital rights. Any conveyance of the property of a minor or
22 disabled person made by a conservator pursuant to an order of court is deemed not to be in fraud of
23 the marital rights of the spouse of the protectee."; and
24

25 Further amend said bill by amending the title, enacting clause, and intersectional references
26 accordingly.