

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 1259, Page 3, Section 143.341, Line 18,  
2 by inserting after all of said section and line the following:

3  
4 "456.1-108. 1. Without precluding other means for establishing a sufficient connection with  
5 the designated jurisdiction, terms of a trust designating the principal place of administration are  
6 valid and controlling if:

7 (1) a trustee's principal place of business is located in or a trustee is a resident of the  
8 designated jurisdiction; or

9 (2) all or part of the administration occurs in the designated jurisdiction.

10 2. Without precluding the right of the court to order, approve, or disapprove a transfer, the  
11 trustee may transfer the trust's principal place of administration to another state or to a jurisdiction  
12 outside of the United States that is appropriate to the trust's purposes, its administration, and the  
13 interests of the beneficiaries.

14 3. The trustee shall notify the qualified beneficiaries of a proposed transfer of a trust's  
15 principal place of administration not less than sixty days before initiating the transfer. The notice of  
16 proposed transfer must include:

17 (1) the name of the jurisdiction to which the principal place of administration is to be  
18 transferred;

19 (2) the address and telephone number at the new location at which the trustee can be  
20 contacted;

21 (3) an explanation of the reasons for the proposed transfer;

22 (4) notice that a change in the place of administration may result in a change of governing  
23 law, which may affect the rights of beneficiaries in ways that are different from current governing  
24 law;

25 (5) the date on which the proposed transfer is anticipated to occur; and

26 [~~5~~] (6) the date, not less than sixty days after the giving of the notice, by which the  
27 qualified beneficiary must notify the trustee of an objection to the proposed transfer.

28 4. The authority of a trustee under this section to transfer a trust's principal place of  
29 administration without an order of a court terminates if a qualified beneficiary notifies the trustee of  
30 an objection to the proposed transfer on or before the date specified in the notice.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           5. In connection with a transfer of the trust's principal place of administration, the trustee  
2 may transfer some or all of the trust property to a successor trustee designated in the terms of the  
3 trust or appointed pursuant to section 456.7-704.

4           456.10-1005. 1. A beneficiary may not commence a proceeding against a trustee for breach  
5 of trust more than one year after the last to occur of the date the beneficiary or a representative of  
6 the beneficiary was sent a report that adequately disclosed the existence of a potential claim for  
7 breach of trust and the date the trustee informed the beneficiary of the time allowed for commencing  
8 a proceeding with respect to any potential claim adequately disclosed on the report.

9           2. A report adequately discloses the existence of a potential claim for breach of trust if it  
10 provides sufficient information so that the beneficiary or representative knows of the potential claim  
11 or should have inquired into its existence.

12           3. If subsection 1 of this section does not apply, a judicial proceeding by a beneficiary  
13 against a trustee for breach of trust must be commenced within five years after the first to occur of:

14           (1) the removal, resignation, or death of the trustee;

15           (2) the occurrence of the event causing a termination of the beneficiary's interest in the trust;

16 or

17           (3) the occurrence of the event causing a termination of the trust.

18           474.540. Sections 474.540 to 474.564 shall be known and may be cited as the "Missouri  
19 Electronic Wills and Electronic Estate Planning Documents Act".

20           474.542. As used in sections 474.540 to 474.564, the following terms mean:

21           (1) "Electronic", technology having electrical, digital, magnetic, wireless, optical,  
22 electromagnetic, or similar capabilities;

23           (2) "Electronic presence", the relationship of two or more individuals in different locations  
24 in real time using technology enabling live, interactive audio-visual communication that allows for  
25 observation, direct interaction, and communication between or among the individuals;

26           (3) "Electronic will", a will executed electronically in compliance with subsection 1 of  
27 section 474.548;

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

30           (5) "Security procedure", a procedure to verify that an electronic signature, record, or  
31 performance is that of a specific person or to detect a change or error in an electronic record,  
32 including a procedure that uses an algorithm, code, identifying word or number, encryption, or  
33 callback or other acknowledgment procedure;

34           (6) "Sign", with present intent to authenticate or adopt a record, to:

35           (a) Execute or adopt a tangible symbol; or

36           (b) Affix to or logically associate with the record an electronic symbol or process;

37           (7) "State", a state of the United States, the District of Columbia, Puerto Rico, the United  
38 States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession  
39 subject to the jurisdiction of the United States;

1           (8) "Will", a codicil and any testamentary instrument that appoints an executor, revokes or  
 2 revises another will, nominates a guardian, or expressly excludes or limits the right of an individual  
 3 or class to succeed to property of the decedent passing by intestate succession.

4           474.544. An electronic will is a will for all purposes of the laws of this state. The laws of  
 5 this state applicable to wills and principles of equity applies to an electronic will except as modified  
 6 by sections 474.540 to 474.564.

7           474.546. A will executed electronically but not in compliance with subsection 1 of section  
 8 474.548 is an electronic will under sections 474.540 to 474.564 if executed in compliance with the  
 9 law of the jurisdiction where the testator is:

10           (1) Physically located when the will is signed; or

11           (2) Domiciled, or where the testator resides, when the will is signed or when the testator  
 12 dies.

13           474.548. 1. An electronic will shall be:

14           (1) A record that is readable as text at the time of signing under subdivision (2) of this  
 15 subsection and remains accessible as text for later reference;

16           (2) Signed by:

17           (a) The testator; or

18           (b) Another individual in the testator's name, in the testator's physical presence, and by the  
 19 testator's direction; and

20           (3) Signed in the physical or electronic presence of the testator by at least two individuals  
 21 after witnessing:

22           (a) The signing of the will under subdivision (2) of this subsection; or

23           (b) The testator's acknowledgment of the signing of the will under subdivision (2) of this  
 24 subsection or acknowledgment of the will.

25           2. The intent of a testator that the record under subdivision (1) of subsection 1 of this section  
 26 be the testator's electronic will may be established by extrinsic evidence.

27           3. In accordance with section 474.337 or 474.550, a witness to a will shall be a resident of a  
 28 state and physically located in a state at the time of signing if no self-proving affidavit is signed  
 29 contemporaneously with the execution of the electronic will.

30           474.550. At the time of its execution or at any subsequent date, an electronic will may be  
 31 made self-proved in the same manner as specified in section 474.337 or, if fewer than two witnesses  
 32 are physically present in the same location as the testator at the time of such acknowledgments,  
 33 before a remote online notary authorized to perform a remote online notarization in this state under  
 34 the law of any state or the United States, and evidenced by a remote online notarial certificate, in  
 35 form and content substantially as follows, subject to the additional requirements under section  
 36 486.1165:

37           State of \_\_\_\_\_

38           County (and/or City) of \_\_\_\_\_

1 I, the undersigned notary, certify that \_\_\_\_\_, the testator, and the witnesses, whose names are  
 2 signed to the attached or foregoing instrument, having personally appeared before me by  
 3 remote online means, and having been first duly sworn, each then declared to me that the  
 4 testator signed and executed the instrument as the testator's last will, and that the testator had  
 5 willingly signed or willingly directed another to sign for the testator, and that the testator  
 6 executed it as the testator's free and voluntary act for the purposes therein expressed; and that  
 7 each of the witnesses, in the presence and hearing of the testator, signed the will as witness  
 8 and that to the best of the witnesses' knowledge the testator was at that time eighteen or more  
 9 years of age, of sound mind, and under no constraint or undue influence.

10 In witness thereof I have hereunto subscribed my name and affixed my official seal this  
 11 \_\_\_\_\_ (date).

12 \_\_\_\_\_ (official signature and seal of notary)

13 474.552. 1. An electronic will may revoke all or part of a previous will.

14 2. All or part of an electronic will is revoked by:

15 (1) A subsequent will that revokes all or part of the electronic will expressly or by  
 16 inconsistency;

17 (2) A written instrument signed by the testator declaring the revocation; or

18 (3) A physical act, if it is established by a preponderance of the evidence that the testator,  
 19 with the intent of revoking all or part of the will, performed the act or directed another individual  
 20 who performed the act in the testator's physical presence.

21 3. If there is evidence that a testator signed an electronic will and neither an electronic will  
 22 nor a certified paper copy of the electronic will can be located after a testator's death, there is a  
 23 presumption that the testator revoked the electronic will even if no instrument or later will revoking  
 24 the electronic will can be located.

25 474.554. Without further notice, at any time during the administration of the estate or, if  
 26 there is no grant of administration, upon such notice and in such manner as the court directs, the  
 27 court may issue an order under sections 472.400 to 472.490 for a custodian of an account held under  
 28 a terms-of-service agreement to disclose digital assets for the purposes of obtaining an electronic  
 29 will from the account of a deceased user. If there is no grant of administration at the time the court  
 30 issues the order, the court's order shall grant disclosure to the petitioner who is deemed a personal  
 31 representative under sections 472.400 to 472.490.

32 474.556. 1. An individual may create a certified paper copy of an electronic will by  
 33 affirming under penalty of perjury that a paper copy of the electronic will is a complete, true, and  
 34 accurate copy of the electronic will. If the electronic will is made self-proving, the certified paper  
 35 copy of the will shall include the self-proving affidavit under section 474.337 or 474.550.

36 2. If a rule of law or procedure requires a will to be presented or retained in its original form  
 37 or provides consequences for the information not being presented or retained in its original form,  
 38 that rule of law or procedure shall be satisfied by a certified paper copy of an electronic will.

1           474.558. In applying and construing sections 474.540 to 474.564, consideration shall be  
2 given to the need to promote uniformity of the law with respect to its subject matter among states  
3 that enact it.

4           474.560. 1. Any written estate planning document may be executed electronically, and no  
5 such estate planning document shall be invalid or void solely because it is in electronic form or  
6 because it is signed electronically by a settlor, trustee, principal, grantor, declarant, or owner, or by a  
7 witness to any such person's signature. For purposes of this section, "estate planning document"  
8 shall include, but not be limited to:

9           (1) A power of attorney or durable power of attorney;

10          (2) A health care declaration;

11          (3) An advance directive;

12          (4) A power of attorney for health care or durable power of attorney for health care;

13          (5) A revocable trust or amendment thereto, or modification or revocation thereof;

14          (6) An irrevocable trust;

15          (7) A beneficiary deed;

16          (8) A nonprobate transfer; or

17          (9) A document modifying, amending, correcting, or revoking any written estate planning  
18 document.

19          2. (1) An electronic estate planning document or an electronic signature on such document  
20 shall be attributable to a person if it was the act of the person. The act of the person may be shown  
21 in any manner, including a showing of the efficacy of a security procedure applied to determine the  
22 person to which the electronic record or signature was attributable.

23          (2) The effect of attribution of a document or signature to a person under subdivision (1) of  
24 this subsection shall be determined from the context and surrounding circumstances at the time of its  
25 creation, execution, or adoption and as provided by other law.

26          3. (1) Unless otherwise provided under its terms, any electronic estate planning document  
27 may be signed in one or more counterparts, and each separate counterpart may be an electronic  
28 document or a paper document, provided that all signed counterpart pages of each document are  
29 incorporated into, or attached to, the document.

30          (2) An individual may create a certified paper copy of any such electronic estate planning  
31 document by affirming under penalty of perjury that a paper copy of the electronic estate planning  
32 document is a complete, true, and accurate copy of such document. If a rule of law or procedure  
33 requires an estate planning document to be presented or retained in its original form or provides  
34 consequences for the information not being presented or retained in its original form, such rule of  
35 law or procedure shall be satisfied by a certified paper copy of an electronic document.

36          4. Any written estate planning document, other than a will, that requires one or more  
37 witnesses to the signature of a principal may be witnessed by any individual or individuals in the  
38 electronic presence of the principal.

1           5. A person who acts in reliance upon an electronically executed written estate planning  
 2 document shall not be liable to any person for so relying and may assume without inquiry the valid  
 3 execution of the electronically executed written estate planning document.

4           6. This section does not require a written estate planning document to be electronically  
 5 signed.

6           7. The laws of this state and principles of equity applicable to any estate planning document  
 7 shall apply to any electronic estate planning document except as modified by this section.

8           474.562. The provisions of sections 474.540 to 474.564 modify, limit, and supersede the  
 9 federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et  
 10 seq., but do not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. 7001(c), or  
 11 authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C.  
 12 Section 7003(b).

13           474.564. The provisions of sections 474.540 to 474.564 shall apply to the will of a decedent  
 14 who dies on or after August 28, 2025, and to each other written estate planning document signed or  
 15 remotely witnessed on or after August 28, 2025.

16           474.600. 1. As used in this section, the following terms mean:

17           (1) "Applicable state of emergency", the period between April 6, 2020, and December 31,  
 18 2021, during which a state of emergency existed due to a COVID-19 public health threat, as  
 19 proclaimed by the governor, and during which executive orders 20-08, 20-10, 20-12, 20-14, 20-19,  
 20 21.07, and 21.09 temporarily suspended the physical appearance requirements under this chapter  
 21 and authorized the use of audio-visual technology to the extent that any Missouri statute required the  
 22 physical presence of any testator, settlor, principal, witness, notary, or other person necessary for the  
 23 effective execution of any estate planning document such as a will, trust, or power of attorney, or a  
 24 self-proving affidavit of the execution of such document, if the conditions set forth in the executive  
 25 orders were met;

26           (2) "Estate planning document", includes, but is not limited to:

27           (a) A will;

28           (b) A codicil;

29           (c) A power of attorney or durable power of attorney;

30           (d) A health care declaration;

31           (e) An advance directive;

32           (f) A power of attorney for health care or a durable power of attorney for health care;

33           (g) A revocable trust or amendment thereto, or modification or revocation thereof;

34           (h) An irrevocable trust;

35           (i) A beneficiary deed;

36           (j) A nonprobate transfer; or

37           (k) A document modifying, amending, correcting, or revoking any written estate planning  
 38 document;

1           (3) "Necessary person", any testator, settlor, grantor, principal, declarant, witness, notary, or  
2 other person required for the effective execution of any estate planning document in this state;

3           (4) "Physical presence requirement", includes, but is not limited to, any requirement of  
4 physical presence under section 404.705, 459.015, 474.320, or 474.337 or chapter 486.

5           2. With respect to the execution of an estate planning document, a necessary person shall be  
6 deemed to have satisfied any physical presence requirement under Missouri statute during the  
7 applicable state of emergency if the following requirements were met:

8           (1) The signer affirmatively represented that the signer was physically located in the state of  
9 Missouri;

10          (2) The notary was physically located in the state of Missouri and stated in which county the  
11 notary was physically located for the jurisdiction on the acknowledgment;

12          (3) The notary identified the signers to the satisfaction of the notary and current law;

13          (4) Any person whose signature was required appeared using video conference software  
14 where live, interactive audio-visual communication between the principal, notary, and any other  
15 necessary person allowed for observation, direct interaction, and communication at the time of  
16 signing; and

17          (5) The notary recorded in the notary's journal the exact time and means used to perform the  
18 notarial act, along with all other required information, absent the wet signatures.

19          3. The requirements of subdivisions (1) to (5) of subsection 2 of this section shall be deemed  
20 satisfied if an attorney who is licensed or authorized to practice law in Missouri and who was  
21 present at the remote execution signs a written acknowledgment made before an officer authorized  
22 to administer oaths under the laws of this state, and evidenced by the officer's certificate, under  
23 official seal, affixed to or logically associated with the acknowledgment. The form and content of  
24 the acknowledgment shall be substantially as follows:

25           State of \_\_\_\_\_

26           County of \_\_\_\_\_

27                           AFFIDAVIT OF REMOTE EXECUTION OF DOCUMENTS

28           I, \_\_\_\_\_, am an attorney licensed or authorized to practice law in the state of Missouri.

29           On \_\_\_\_\_ (date), I convened with the following individuals via video conference software  
30 that allowed for live, interactive audio-visual communication between the parties to the  
31 conference and that also allowed for observation, direction, interaction, and communication  
32 between:

33           \_\_\_\_\_, the (testator, settlor, grantor, principal, or declarant);

34           \_\_\_\_\_, a witness;

35           \_\_\_\_\_, a second witness; and

36           \_\_\_\_\_ a notary public.

37           During the conference, \_\_\_\_\_, the (testator, settlor, grantor, principal, or declarant)  
38 signed the following estate planning document or documents: (a will, codicil, power of  
39 attorney, durable power of attorney, health care declaration, advance directive, health care

power of attorney, revocable trust, irrevocable trust, beneficiary deed, nonprobate transfer, self-proving affidavit of the execution of a will, or a document modifying, amending, correcting, or revoking one of these estate planning documents).

All the parties to the conference represented that they were physically located in the state of Missouri at the time of the signing.

I have reviewed and am familiar with the requirements of the applicable executive order or orders in effect at the time and affirm that the remote execution of the estate planning document or documents met all the requirements of the applicable executive order or orders.

In witness whereof I, an officer authorized to administer oaths, have hereunto subscribed my name and affixed my official seal this \_\_\_\_\_ (date).

(Signed)

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(Official capacity of officer)"; and

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