

HCS HB 176 -- ELECTRONIC ESTATE PLANNING

SPONSOR: Parker

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 11 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative by a vote of 10 to 0.

The following is a summary of the House Committee Substitute for HB 176.

This bill establishes the "Missouri Electronic Wills and Electronic Estate Planning Documents Act", which specifies that an electronic will is considered a will for all purposes of the law of this State and that any written estate planning document can be executed electronically. Types of estate planning documents include a power of attorney or durable power of attorney, a health care declaration, an advance directive, an irrevocable trust, and a beneficiary deed, as well as other types of documents. The bill establishes a process by which an electronic will can be made self-proved as well as how all or part of an electronic will may be revoked.

If there is evidence that a testator signed an electronic will and neither an electronic will nor a certified paper copy of the electronic will can be found after the testator's death, there will be a presumption that the testator revoked the electronic will even if no instrument or later will revoking the electronic will can be located. A person can create a certified paper copy of an electronic will or an electronic estate planning document by affirming under penalty of perjury that a paper copy of the electronic will is a complete, true, and accurate copy of the electronic will or the estate planning document.

The provisions of this bill apply to the will of a decedent who dies on or after August 28, 2025, and to each other written estate planning document signed or remotely witnessed on or after August 28, 2025.

This bill specifies that certain estate planning documents that were executed during the period between April 6, 2020, and December 31, 2021, during which a state of emergency existed due to COVID-19 and there was a temporary suspension of physical appearance requirements, will be deemed to have satisfied the physical presence requirements if certain requirements, specified in the bill, were met.

The bill provides that a trustee is required to notify qualified beneficiaries of a proposed transfer of a trust's principal place of administration. This bill adds to the requirements of the content of the notice to include an explanation that a change in the place of administration may result in a change of governing law, which can affect the rights of beneficiaries in ways that are different from current law.

Currently, under certain circumstances, a judicial proceeding by a beneficiary against a trustee for breach of trust must be commenced within five years after the first to occur of, among other things, the termination of the beneficiary's interest in the trust or the termination of the trust. This bill specifies that it is the occurrence of the event causing a termination of the beneficiary's interest in the trust or the occurrence of the event causing a termination of the trust.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill provides additional options to draft estates and wills, such as electronically, for ease of use.

Testifying in person for the bill were Representative Parker; Trust & Will; The Missouri Bar; John Challis; Arnie Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.