

House File 2078

S-5133

1 Amend House File 2078, as amended, passed, and reprinted by
2 the House, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <Section 1. Section 633.279, Code 2022, is amended by adding
6 the following new subsections:

7 NEW SUBSECTION. 3. *Electronic presence requirements.* For
8 electronic presence, the testator must provide verbal answers
9 to all of the following questions, asked in substantially the
10 following manner before signing:

11 a. Are you currently married? If so, please state the name
12 of your spouse.

13 b. Please state the names of anyone who assisted you in
14 accessing the video conference today.

15 c. Please state the names of anyone who assisted you in
16 preparing or reviewing the documents you are signing today.

17 d. Where are you currently located?

18 e. Who is in the room with you?

19 NEW SUBSECTION. 4. *Retention of remote execution record.* A
20 will for which a communication technology was used must
21 be video recorded. The attorney for the testator using
22 communication technology for the signing of a will, or other
23 party facilitating the remote signing of a will if the testator
24 has no attorney, shall retain the video recording, or cause the
25 video recording to be retained by a repository designated by or
26 on behalf of the person required to retain the video recording.
27 Unless the testator dies sooner or terminates the relationship
28 with the attorney or other person required to retain the
29 record, the video recording must be retained for a period of at
30 least ten years after the video recording is made.

31 NEW SUBSECTION. 5. *Execution of remote will in*
32 *counterparts.* When a will is executed using a communication
33 technology under this section, the original document may
34 be executed in one or more counterparts by parties located
35 in different locations, and all such counterparts may be

1 aggregated to comprise the complete will of the testator.

2 NEW SUBSECTION. 6. *Remote wills under disaster proclamation*
3 *deemed to satisfy this section.* Any wills executed using the
4 remote signing procedures permitted under the proclamation of
5 disaster emergency of the governor issued March 22, 2020, shall
6 be deemed to satisfy the presence requirements of this section
7 if the will was executed during the effective dates of the
8 proclamation of disaster emergency.

9 NEW SUBSECTION. 7. *Definition.* For purposes for this
10 section, "*presence*" means any manner, physical or electronic,
11 in which the witnesses and testator can see and hear the acts
12 of each other in real time using a communication technology
13 that meets the requirements of section 9B.14A, subsection 1,
14 paragraph "a".

15 Sec. 2. Section 633.301, Code 2022, is amended to read as
16 follows:

17 **633.301 Copy of will for executor.**

18 ~~When~~ Upon request by the executor, when a will has been
19 admitted to probate and certified pursuant to [section 633.300](#),
20 the clerk shall cause a certified copy thereof to be placed
21 in the hands of the executor to whom letters are issued. The
22 clerk shall retain the will in a separate file provided for
23 that purpose until the time for contest has expired, and
24 promptly thereafter shall place it with the files of the
25 estate.>

26 2. Title page, by striking line 1 and inserting <An Act
27 relating to wills, including witness requirements for the
28 execution of a will and procedure for wills to be admitted into
29 probate.>

JULIAN GARRETT