

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0195.01 Conrad Imel x2313

**HOUSE BILL 21-1004**

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**HOUSE SPONSORSHIP**

**Snyder and Soper,**

**SENATE SPONSORSHIP**

**Gardner and Lee,**

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**House Committees**  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE "COLORADO UNIFORM ELECTRONIC WILLS ACT".**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Colorado Commission on Uniform State Laws.** The bill enacts the "Colorado Uniform Electronic Wills Act". The bill declares that an electronic will is a will for all purposes of Colorado law. The bill specifies the requirements for:

- Executing and revoking an electronic will;
- Simultaneously executing, attesting, and making an electronic will; and
- Certifying a paper copy of an electronic will.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.



1 AN ELECTRONIC IMAGE OF THE TESTATOR'S OR WITNESS'S SIGNATURE IN  
2 THE TESTATOR'S OR WITNESS'S HANDWRITING AFFIXED TO THE ELECTRONIC  
3 WILL.

4 (6) "STATE" MEANS A STATE OF THE UNITED STATES, THE  
5 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN  
6 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE  
7 JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY  
8 RECOGNIZED INDIAN TRIBE.

9 (7) "WILL" HAS THE MEANING SET FORTH IN SECTION 15-10-201  
10 (59).

11 **15-12-1503. Law applicable to electronic wills - principles of**  
12 **equity.** AN ELECTRONIC WILL IS A WILL FOR ALL PURPOSES OF THE LAW OF  
13 THIS STATE. THE LAW OF THIS STATE APPLICABLE TO WILLS AND  
14 PRINCIPLES OF EQUITY APPLY TO AN ELECTRONIC WILL, EXCEPT AS  
15 MODIFIED BY THIS PART 15.

16 **15-12-1504. Choice of law regarding execution.** (1) A WILL  
17 EXECUTED ELECTRONICALLY BUT NOT IN COMPLIANCE WITH SECTION  
18 15-12-1505 (1) IS AN ELECTRONIC WILL UNDER THIS PART 15 IF EXECUTED  
19 IN COMPLIANCE WITH THE LAW OF THE JURISDICTION WHERE THE  
20 TESTATOR IS:

- 21 (a) PHYSICALLY LOCATED WHEN THE WILL IS SIGNED; OR  
22 (b) DOMICILED OR RESIDES WHEN THE WILL IS SIGNED OR WHEN  
23 THE TESTATOR DIES.

24 **15-12-1505. Execution of electronic will.** (1) SUBJECT TO  
25 SECTION 15-12-1508 (4), AND EXCEPT AS PROVIDED IN SECTION  
26 15-12-1506, AN ELECTRONIC WILL MUST BE:

- 27 (a) A RECORD THAT IS READABLE AS TEXT AT THE TIME OF SIGNING

1 UNDER SUBSECTION (1)(b) OF THIS SECTION;

2 (b) SIGNED BY:

3 (I) THE TESTATOR; OR

4 (II) ANOTHER INDIVIDUAL IN THE TESTATOR'S NAME, IN THE  
5 TESTATOR'S PHYSICAL PRESENCE, AND BY THE TESTATOR'S DIRECTION;

6 AND

7 (c) EITHER:

8 (I) SIGNED IN THE PHYSICAL OR ELECTRONIC PRESENCE OF THE  
9 TESTATOR BY AT LEAST TWO INDIVIDUALS, EACH OF WHOM IS A RESIDENT  
10 OF A STATE AND PHYSICALLY LOCATED IN A STATE AT THE TIME OF  
11 SIGNING AND WITHIN A REASONABLE TIME AFTER WITNESSING:

12 (A) THE SIGNING OF THE WILL UNDER SUBSECTION (1)(b) OF THIS  
13 SECTION; OR

14 (B) THE TESTATOR'S ACKNOWLEDGMENT OF THE SIGNING OF THE  
15 WILL UNDER SUBSECTION (1)(b) OF THIS SECTION OR ACKNOWLEDGMENT  
16 OF THE WILL; OR

17 (II) ACKNOWLEDGED BY THE TESTATOR BEFORE AND IN THE  
18 PHYSICAL OR ELECTRONIC PRESENCE OF A NOTARY PUBLIC OR OTHER  
19 INDIVIDUAL WHO IS AUTHORIZED BY COLORADO LAW TO NOTARIZE  
20 RECORDS, AND WHO IS LOCATED IN COLORADO AT THE TIME THE NOTARIAL  
21 ACT IS PERFORMED.

22 (2) INTENT OF A TESTATOR THAT THE RECORD UNDER SUBSECTION  
23 (1)(a) OF THIS SECTION BE THE TESTATOR'S ELECTRONIC WILL MAY BE  
24 ESTABLISHED BY EXTRINSIC EVIDENCE.

25 **15-12-1506. Harmless error.** SECTION 15-11-503 APPLIES TO A  
26 WILL EXECUTED ELECTRONICALLY.

27 **15-12-1507. Revocation.** (1) AN ELECTRONIC WILL MAY REVOKE

1 ALL OR PART OF A PREVIOUS WILL.

2 (2) ALL OR PART OF AN ELECTRONIC WILL IS REVOKED BY:

3 (a) A SUBSEQUENT WILL THAT REVOKES ALL OR PART OF THE  
4 ELECTRONIC WILL EXPRESSLY OR BY INCONSISTENCY; OR

5 (b) A PHYSICAL ACT, IF IT IS ESTABLISHED BY CLEAR AND  
6 CONVINCING EVIDENCE THAT THE TESTATOR, WITH THE INTENT OF  
7 REVOKING ALL OR PART OF THE WILL, PERFORMED THE ACT OR DIRECTED  
8 ANOTHER INDIVIDUAL WHO PERFORMED THE ACT IN THE TESTATOR'S  
9 PHYSICAL PRESENCE.

10 **15-12-1508. Electronic will attested and made self-proving at**  
11 **time of execution.** (1) AN ELECTRONIC WILL MAY BE SIMULTANEOUSLY  
12 EXECUTED, ATTESTED, AND MADE SELF-PROVING BY ACKNOWLEDGMENT  
13 OF THE TESTATOR AND AFFIDAVITS OF THE WITNESSES.

14 (2) THE ACKNOWLEDGMENT AND AFFIDAVITS UNDER SUBSECTION  
15 (1) OF THIS SECTION MUST BE:

16 (a) MADE IN THE PHYSICAL PRESENCE OF AN OFFICER AUTHORIZED  
17 TO ADMINISTER OATHS UNDER LAW OF THE STATE IN WHICH THE TESTATOR  
18 SIGNS PURSUANT TO SECTION 15-12-1505 (1)(b) OR, IF FEWER THAN TWO  
19 ATTESTING WITNESSES ARE PHYSICALLY PRESENT IN THE SAME LOCATION  
20 AS THE TESTATOR AT THE TIME OF SIGNING PURSUANT TO SECTION  
21 15-12-1505 (1)(b), IN THE PHYSICAL OR ELECTRONIC PRESENCE OF A  
22 NOTARY PUBLIC OR OTHER INDIVIDUAL WHO IS AUTHORIZED BY  
23 COLORADO LAW TO NOTARIZE RECORDS, AND WHO IS LOCATED IN  
24 COLORADO AT THE TIME THE NOTARIAL ACT IS PERFORMED; AND

25 (b) EVIDENCED BY THE OFFICER'S CERTIFICATE UNDER OFFICIAL  
26 SEAL AFFIXED TO OR LOGICALLY ASSOCIATED WITH THE ELECTRONIC WILL.

27 (3) THE ACKNOWLEDGMENT AND AFFIDAVITS UNDER SUBSECTION

1 (1) OF THIS SECTION MUST BE IN SUBSTANTIALLY THE FOLLOWING FORM:

2 I, \_\_\_\_\_, THE TESTATOR, AND, BEING SWORN, DECLARE TO THE  
3 UNDERSIGNED OFFICER THAT I SIGN THIS INSTRUMENT AS MY ELECTRONIC  
4 WILL, I WILLINGLY SIGN IT OR WILLINGLY DIRECT ANOTHER TO SIGN FOR  
5 ME, I EXECUTE IT AS MY VOLUNTARY ACT FOR THE PURPOSES EXPRESSED  
6 IN THIS INSTRUMENT, AND I AM EIGHTEEN YEARS OF AGE OR OLDER, OF  
7 SOUND MIND, AND UNDER NO CONSTRAINT OR UNDUE INFLUENCE.

8 \_\_\_\_\_  
9 TESTATOR

10 WE, \_\_\_\_\_, AND \_\_\_\_\_, WITNESSES, BEING SWORN, DECLARE  
11 TO THE UNDERSIGNED OFFICER THAT THE TESTATOR SIGNED THIS  
12 INSTRUMENT AS THE TESTATOR'S ELECTRONIC WILL, THAT THE TESTATOR  
13 WILLINGLY SIGNED IT OR WILLINGLY DIRECTED ANOTHER INDIVIDUAL TO  
14 SIGN FOR THE TESTATOR, AND THAT EACH OF US, IN THE PHYSICAL OR  
15 ELECTRONIC PRESENCE OF THE TESTATOR, SIGNS THIS INSTRUMENT AS  
16 WITNESS TO THE TESTATOR'S SIGNING, AND TO THE BEST OF OUR  
17 KNOWLEDGE THE TESTATOR IS EIGHTEEN YEARS OF AGE OR OLDER, OF  
18 SOUND MIND, AND UNDER NO CONSTRAINT OR UNDUE INFLUENCE.

19 \_\_\_\_\_  
20 WITNESS

21 \_\_\_\_\_  
22 WITNESS

23 CERTIFICATE OF OFFICER:

24 STATE OF \_\_\_\_\_

25 COUNTY OF \_\_\_\_\_

26 SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED BEFORE ME BY  
27 \_\_\_\_\_, THE TESTATOR, AND SUBSCRIBED AND SWORN TO BEFORE

1 ME BY \_\_\_\_\_ AND \_\_\_\_\_, WITNESSES, THIS \_\_\_\_\_ DAY OF  
2 \_\_\_\_\_, \_\_\_\_\_.

3 (SEAL)

4 \_\_\_\_\_  
5 (SIGNED)

6 \_\_\_\_\_  
7 (OFFICIAL CAPACITY OF OFFICER)

8 (4) A SIGNATURE PHYSICALLY OR ELECTRONICALLY AFFIXED TO AN  
9 AFFIDAVIT THAT IS AFFIXED TO OR LOGICALLY ASSOCIATED WITH AN  
10 ELECTRONIC WILL UNDER THIS ACT IS DEEMED A SIGNATURE OF THE  
11 ELECTRONIC WILL UNDER SECTION 15-12-1505 (1).

12 **15-12-1509. Certification of paper copy.** AN INDIVIDUAL MAY  
13 CREATE A CERTIFIED PAPER COPY OF AN ELECTRONIC WILL BY AFFIRMING  
14 UNDER PENALTY OF PERJURY THAT A PAPER COPY OF THE ELECTRONIC  
15 WILL IS A COMPLETE, TRUE, AND ACCURATE COPY OF THE ELECTRONIC  
16 WILL. IF THE ELECTRONIC WILL IS MADE SELF-PROVING, THE CERTIFIED  
17 PAPER COPY OF THE WILL MUST INCLUDE THE SELF-PROVING AFFIDAVITS.

18 **15-12-1510. Uniformity of application and construction.** IN  
19 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE  
20 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT  
21 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

22 **15-12-1511. Application of part.** THIS PART 15 APPLIES TO THE  
23 WILL OF A DECEDENT WHO DIES ON OR AFTER THE EFFECTIVE DATE OF THIS  
24 PART 15.

25 **SECTION 2.** In Colorado Revised Statutes, 24-21-514.5, **amend**  
26 (2)(b)(II) as follows:

27 **24-21-514.5. Audio-video communication - definitions.**

1 (2) (b) A notary public shall not use a remote notarization system to  
2 notarize:

3 (II) EXCEPT AS PROVIDED IN THE "COLORADO UNIFORM  
4 ELECTRONIC WILLS ACT", PART 15 OF ARTICLE 12 OF TITLE 15, a will,  
5 codicil, document purporting to be a will or codicil, or any  
6 acknowledgment required under section 15-11-502 or 15-11-504.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, or safety.