

Chapter 322

(House Bill 1140)

AN ACT concerning

Wills – Execution of Wills – Witnesses and Wills Executed Outside the State

FOR the purpose of prohibiting, for purposes of an attested will, a person from qualifying as a witness in the presence of the testator if the witness is in a different physical location than the testator; clarifying the conditions under which a will executed outside the State is properly executed; making stylistic changes; providing for the application of this Act; and generally relating to the execution of wills.

BY repealing and reenacting, with amendments,
 Article – Estates and Trusts
 Section 4–102 and 4–104
 Annotated Code of Maryland
 (2017 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Estates and Trusts

4–102.

(A) Except as provided in §§ 4–103 and 4–104 of this subtitle, every will shall be:

(1) [in] **IN** writing[.];

(2) [signed] **SIGNED** by the testator, or by some other person for [him] **THE TESTATOR**, in [his] **THE TESTATOR’S** presence and by [his] **THE TESTATOR’S** express direction[.]; and

(3) [attested] **ATTESTED** and signed by two or more credible witnesses in the presence of the testator.

(B) **FOR PURPOSES OF THIS SECTION, A WITNESS IS NOT IN THE PRESENCE OF THE TESTATOR IF THE WITNESS IS IN A DIFFERENT PHYSICAL LOCATION THAN THE TESTATOR REGARDLESS OF WHETHER THE TESTATOR CAN OBSERVE THE WITNESS THROUGH ELECTRONIC AUDIO–VIDEO OR OTHER TECHNOLOGICAL MEANS.**

4–104.

A will executed outside this State is properly executed if it is:

- (1) In writing;
- (2) Signed by the testator; and
- (3) Executed in conformity with ~~the~~:

(I) THE provisions of § 4-102 of this subtitle, ~~or the~~;

(II) THE law of the domicile of the testator, ~~or the~~; **OR**

(III) THE LAW OF THE place where the [will is executed] **TESTATOR IS PHYSICALLY LOCATED AT THE TIME THE TESTATOR SIGNS THE WILL.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any will executed before the effective date of this Act.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.