

SENATE FILE NO. SF0099

Witnessing of wills-remote methods.

Sponsored by: Senator(s) Barlow, Baldwin and Nethercott and  
 Representative(s) Brown, Chestek, Crago,  
 Larsen, L, Nicholas and Zwonitzer, Dn

A BILL

for

1 AN ACT relating to wills; authorizing witnesses to wills to  
 2 appear electronically as specified; making conforming  
 3 amendments; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 2-6-112 and 2-6-114(a) and (c) are  
 8 amended to read:

9

10 **2-6-112. Will to be in writing; number and competency**  
 11 **of witnesses; signature of testator; subscribing witness**  
 12 **not to benefit; exception.**

13

14 **(a)** Except as provided in ~~the next section~~ W.S.  
 15 2-6-113, all wills to be valid shall be in writing, or

1 typewritten, witnessed by two (2) competent witnesses and  
2 signed by the testator or by some person in his presence  
3 and by his express direction. If the witnesses are  
4 competent at the time of attesting the execution of the  
5 will, their subsequent incompetency shall not prevent the  
6 probate and allowance of the will. No subscribing witness  
7 to any will can derive any benefit therefrom unless there  
8 are two (2) disinterested and competent witnesses to the  
9 same, but if without a will the witness would be entitled  
10 to any portion of the testator's estate, the witness may  
11 still receive the portion to the extent and value of the  
12 amount devised.

13

14 (b) Witnesses to a will may appear in person or by  
15 the use of audio-video communication technology, provided  
16 that the witnesses can see and hear the testator in real  
17 time, have the opportunity to judge the competency of the  
18 testator, have the ability to securely sign the will  
19 electronically and can determine that the testator is  
20 freely and voluntarily signing and executing the will.

21

22 **2-6-114. Self-proving wills.**

23



1 instrument as his last will and that he signs it willingly  
 2 (or willingly directs another to sign for him), and that he  
 3 executes it as his free and voluntary act for the purposes  
 4 therein expressed, and that each of us, in the presence and  
 5 hearing of the testator (or appearing through the use of  
 6 audio-video communication technology and able to see and  
 7 hear the testator in real time), hereby signs this will (or  
 8 electronically signs this will by secure means) as  
 9 witnesses to the testator's signature and that to the best  
 10 of our knowledge the testator is an adult person, of sound  
 11 mind, and under no constraint or undue influence.

12

Witness .....

14

Witness .....

16

17 STATE OF WYOMING )

18

) ss

20

21 COUNTY OF )

22



1

2 We, . . . . , . . . . , and . . . . , the testator and the  
3 witnesses, respectively, whose names are signed to the  
4 attached or foregoing instrument, being first duly sworn,  
5 do hereby declare to the undersigned authority that the  
6 testator signed and executed the instrument as his last  
7 will and that he signed willingly or willingly directed  
8 another to sign for him, and that he executed it as his  
9 free and voluntary act for the purposes therein expressed;  
10 and that each of the witnesses, in the presence and hearing  
11 of the testator (or appearing through the use of  
12 audio-video communication technology and able to see and  
13 hear the testator in real time), signed the will (or  
14 electronically signed the will by secure means) as witness  
15 and that to the best of our knowledge the testator was at  
16 that time an adult person, of sound mind and under no  
17 constraint or undue influence.

18

19 Testator . . . . .

20

21 Witness . . . . .

22

23 Witness . . . . .

