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Act No. 96 (S.316). Decedents' Estates wills

An act relating to execution of wills during an emergency

This act establishes a temporary procedure to permit wills to be executed remotely. Under current Vermont law, the execution of a will generally requires the testator (the person who is executing the will) and the witnesses to affirm the will under oath in the physical presence of a notary public. This physical presence requirement for witnessing the will before the notary created a major impediment to creating or changing a will during the COVID-19 crisis because many people were reluctant to travel or be in the same room with several other people during the pandemic, which meant that the "physical presence" requirement of the law could not be satisfied. This act permits the notary, the testator, and the witnesses to execute a will remotely using electronic communications, even if they are not physically present with the testator or the notary, so long as the procedure complies with the Emergency Administrative Rules for Remote Notarial Acts that were adopted by the Vermont Secretary of State. The process is permitted only while the Emergency Rules are in effect.

Effective Date: April 28, 2020