

REFERENCE TITLE: **electronic documents; signatures; wills; trusts**

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SB 1298

Introduced by
Senators Worsley: Borrelli, Brophy McGee, Burges, Fann; Representative
Shope

AN ACT

AMENDING TITLE 14, CHAPTER 2, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 14-2500; AMENDING SECTIONS 14-2502, 14-2504, 14-2510, 14-2511 AND 14-2513, ARIZONA REVISED STATUTES; AMENDING TITLE 14, CHAPTER 2, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 14-2518 AND 14-2519; AMENDING SECTIONS 14-10103 AND 14-10109, ARIZONA REVISED STATUTES; AMENDING TITLE 14, CHAPTER 11, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 14-10206; AMENDING TITLE 14, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 14-10419; AMENDING SECTIONS 44-7002 AND 44-7003, ARIZONA REVISED STATUTES; RELATING TO ELECTRONIC DOCUMENTS AND SIGNATURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 14, chapter 2, article 5, Arizona Revised
3 Statutes, is amended by adding section 14-2500, to read:

4 14-2500. Definitions

5 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 1. "AUTHENTICATION METHOD" MEANS A METHOD OF AUTHENTICATING AN
7 ELECTRONIC WILL THAT MEETS THE REQUIREMENTS PRESCRIBED IN SECTION 14-2519.

8 2. "ELECTRONIC RECORD" HAS THE SAME MEANING PRESCRIBED IN SECTION
9 44-7002.

10 3. "ELECTRONIC SIGNATURE" HAS THE SAME MEANING PRESCRIBED IN
11 SECTION 44-7002.

12 4. "ELECTRONIC WILL" MEANS A WILL OR CODICIL THAT IS CREATED AND
13 MAINTAINED AS AN ELECTRONIC RECORD AND THAT MEETS THE REQUIREMENTS
14 PRESCRIBED IN SECTION 14-2519.

15 5. "EXECUTED" OR "SIGNED" INCLUDES THE USE OF AN ELECTRONIC
16 SIGNATURE.

17 6. "TRUST" INCLUDES AN ELECTRONIC TRUST INSTRUMENT AS DEFINED IN
18 SECTION 14-10103.

19 7. "WILL" INCLUDES AN ELECTRONIC WILL.

20 8. "WRITING" OR "WRITTEN" INCLUDES THE USE OF AN ELECTRONIC RECORD.

21 Sec. 2. Section 14-2502, Arizona Revised Statutes, is amended to
22 read:

23 14-2502. Execution; witnessed wills; holographic wills

24 A. Except as provided in sections 14-2503, 14-2506 and 14-2513, a
25 will shall be:

26 1. In writing.

27 2. Signed by the testator or in the testator's name by some other
28 individual in the testator's conscious presence and by the testator's
29 direction.

30 3. Signed by at least two people, each of whom signed within a
31 reasonable time after that person witnessed either the signing of the will
32 as described in paragraph 2 OF THIS SUBSECTION or the testator's
33 acknowledgment of that signature or acknowledgment of the will. THE
34 SIGNATURE OR ACKNOWLEDGEMENT MAY BE WITNESSED IN PERSON OR BY MEANS OF A
35 TWO-WAY AUDIO AND VIDEO CONFERENCE.

36 B. Intent that the document constitute the testator's will can be
37 established by extrinsic evidence, including, for holographic wills under
38 section 14-2503, portions of the document OR RECORD that are not in the
39 testator's handwriting.

40 Sec. 3. Section 14-2504, Arizona Revised Statutes, is amended to
41 read:

42 14-2504. Self-proved wills; sample form; signature
43 requirements

44 A. A will may be simultaneously executed, attested and made
45 self-proved by its acknowledgment by the testator and by affidavits of the

1 witnesses if the acknowledgment and affidavits are made before an officer
2 authorized to administer oaths under the laws of the state in which
3 execution occurs and are evidenced by the officer's certificate, under
4 official seal, in substantially the following form:

5 I, _____, the testator, sign my name to this
6 instrument this ____ day of _____, and being first
7 duly sworn, do declare to the undersigned authority that I
8 sign and execute this instrument as my will and that I sign it
9 willingly, or willingly direct another to sign for me, that I
10 execute it as my free and voluntary act for the purposes
11 expressed in that document and that I am eighteen years of age
12 or older, of sound mind and under no constraint or undue
13 influence.

14 _____

15 Testator

16 We, _____, _____, the witnesses,
17 sign our names to this instrument being first duly sworn and
18 do declare to the undersigned authority that the testator
19 signs and executes this instrument as his/her will and that
20 he/she signs it willingly, or willingly directs another to
21 sign for him/her, and that each of us, in the presence and
22 hearing of the testator, signs this will as witness to the
23 testator's signing and that to the best of our knowledge the
24 testator is eighteen years of age or older, of sound mind and
25 under no constraint or undue influence.

26 _____

27 Witness

28 _____

29 Witness

30 The State of _____

31 County of _____

32 Subscribed, sworn to and acknowledged before me by
33 _____, the testator, and subscribed and sworn to
34 before me by _____ and _____, witnesses, this ____
35 day of _____.

36 (Seal)

37 (Signed) _____

38 _____

39 (Official capacity of officer)

40 B. An attested will may be made self-proved at any time after its
41 execution by its acknowledgment by the testator and the affidavits of the
42 witnesses, each made before an officer authorized to administer oaths
43 under the laws of the state in which the acknowledgment occurs and
44 evidenced by the officer's certificate, under the official seal, attached

1 or annexed to the will OR LOGICALLY ASSOCIATED WITH AN ELECTRONIC WILL in
2 substantially the following form:

3 The State of _____
4 County of _____

5 We, _____, _____ and _____,
6 the testator and the witnesses, respectively, whose names are
7 signed to the attached or foregoing instrument being first
8 duly sworn do declare to the undersigned authority that the
9 testator signed and executed the instrument as the testator's
10 will and that he/she signed willingly, or willingly directed
11 another to sign for him/her, and that he/she executed it as
12 his/her free and voluntary act for the purposes expressed in
13 that document, and that each of the witnesses, in the presence
14 and hearing of the testator, signed the will as witness and
15 that to the best of his/her knowledge the testator was at that
16 time eighteen years of age or older, of sound mind and under
17 no constraint or undue influence.

18 _____
19 Testator

20 _____
21 Witness

22 _____
23 Witness

24 Subscribed, sworn to and acknowledged before me by
25 _____, the testator, and subscribed and sworn to before
26 me by _____ and _____, witnesses, this ____ day
27 of _____.

28 (Seal)
29 (Signed)_____

30 _____
31 (Official capacity of officer)

32 C. A signature affixed to OR LOGICALLY ASSOCIATED WITH a
33 self-proving affidavit attached to a will OR LOGICALLY ASSOCIATED WITH AN
34 ELECTRONIC WILL is considered a signature affixed to OR LOGICALLY
35 ASSOCIATED WITH the will, if necessary to prove the will's due execution.

36 Sec. 4. Section 14-2510, Arizona Revised Statutes, is amended to
37 read:

38 14-2510. Incorporating outside document into a will;
39 requirements

40 A testator may incorporate a written document OR RECORD into the
41 testator's will by reference if the following requirements are met:

- 42 1. The document OR RECORD exists at the time the testator executes
43 the will.
- 44 2. The will's language manifests the testator's intent to
45 incorporate this document OR RECORD.

1 3. The will's language describes the document **OR RECORD** with enough
2 specificity to allow its identification.

3 Sec. 5. Section 14-2511, Arizona Revised Statutes, is amended to
4 read:

5 14-2511. Testamentary additions to trusts; requirements;
6 effect of revocation

7 A. A will may validly devise property to the trustee of a trust
8 established or to be established:

9 1. During the testator's lifetime by the testator alone, by the
10 testator and some other person or by some other person, including a funded
11 or unfunded life insurance trust, even if the settlor has reserved any or
12 all rights of ownership of the insurance contracts.

13 2. At the testator's death by the testator's devise to the trustee
14 if the trust is identified in the testator's will and its terms are set
15 forth in a written instrument **OR OTHER RECORD** other than a will executed
16 before, concurrently with or after the execution of the testator's will or
17 in another individual's will if that other individual has predeceased the
18 testator, regardless of the existence, size or character of the corpus of
19 the trust. The devise is not invalid because the trust is amendable or
20 revocable or because the trust was amended after the execution of the will
21 or after the testator's death.

22 B. Unless the testator's will provides otherwise, property devised
23 to a trust described in subsection A **OF THIS SECTION** is not held under a
24 testamentary trust of the testator but becomes a part of the trust to
25 which it is devised and must be administered and disposed of in accordance
26 with the provisions of the governing instrument that states the terms of
27 the trust, including any amendments made before or after the testator's
28 death.

29 C. Unless the testator's will provides otherwise, a revocation or
30 termination of the trust before the testator's death causes the devise to
31 lapse.

32 Sec. 6. Section 14-2513, Arizona Revised Statutes, is amended to
33 read:

34 14-2513. References to separate lists; requirements

35 A. Notwithstanding section 14-2503 relating to holographic wills, a
36 will may refer to a written statement or list **OR AN ELECTRONIC RECORD OF A**
37 **WRITTEN STATEMENT OR LIST** to dispose of items of tangible personal
38 property other than money and not otherwise specifically disposed of by
39 the will.

40 B. To be admissible under this section as evidence of the intended
41 disposition, the writing shall either be in the testator's handwriting or
42 be signed by the testator and shall describe the items and the devisees
43 with reasonable certainty.

44 C. The writing may be:

1 2. THE PERSON WHO EXECUTES THE ELECTRONIC WILL STATES THAT IT IS
2 BEING EXECUTED PURSUANT TO THE LAWS OF THIS STATE.

3 Sec. 8. Section 14-10103, Arizona Revised Statutes, is amended to
4 read:

5 14-10103. Definitions

6 In this chapter, unless the context otherwise requires:

7 1. "Action", with respect to an act of a trustee, includes a
8 failure to act.

9 2. "AUTHENTICATION METHOD" MEANS A METHOD OF AUTHENTICATING AN
10 ELECTRONIC TRUST INSTRUMENT THAT MEETS THE REQUIREMENTS PRESCRIBED IN
11 SECTION 14-10419.

12 ~~2.~~ 3. "Beneficiary" means a person who either:

13 (a) Has a present or future beneficial interest in a trust, vested
14 or contingent.

15 (b) In a capacity other than that of a trustee, holds a power of
16 appointment over trust property.

17 ~~3.~~ 4. "Charitable trust" means a trust, or portion of a trust,
18 created for a charitable purpose described in section 14-10405,
19 subsection A.

20 ~~4.~~ 5. "Conservator" means a person appointed by the court to
21 administer the estate of a minor or an adult.

22 ~~5.~~ 6. "Distributee" means a person who receives property from a
23 trust other than as a creditor or purchaser.

24 7. "ELECTRONIC RECORD" HAS THE SAME MEANING PRESCRIBED IN SECTION
25 44-7002.

26 8. "ELECTRONIC SIGNATURE" HAS THE SAME MEANING PRESCRIBED IN
27 SECTION 44-7002.

28 9. "ELECTRONIC TRUST INSTRUMENT" MEANS A TRUST INSTRUMENT THAT IS
29 CREATED AND MAINTAINED AS AN ELECTRONIC RECORD AND THAT MEETS THE
30 REQUIREMENTS PRESCRIBED IN SECTION 14-10419.

31 ~~6.~~ 10. "Environmental law" means a federal, state or local law,
32 rule, regulation or ordinance relating to protection of the environment.

33 11. "EXECUTED" OR "SIGNED" INCLUDES THE USE OF AN ELECTRONIC
34 SIGNATURE.

35 ~~7.~~ 12. "Guardian" means a person appointed by the court to make
36 decisions regarding the support, care, education, health and welfare of a
37 minor or an adult. Guardian does not include a guardian ad litem.

38 ~~8.~~ 13. "Interests of the beneficiaries" means the beneficial
39 interests provided in the terms of the trust.

40 ~~9.~~ 14. "Internal revenue code" has the same meaning prescribed in
41 section 43-105.

42 ~~10.~~ 15. "Jurisdiction", with respect to a geographic area,
43 includes a state or country.

44 ~~11.~~ 16. "Person" means an individual, corporation, business trust,
45 estate, trust, partnership, limited liability company, association, joint

1 venture, government, governmental subdivision, agency or instrumentality,
2 public corporation or any other legal or commercial entity.

3 ~~12.~~ 17. "Power of withdrawal" means a presently exercisable
4 general power of appointment other than a power exercisable either:

5 (a) By a trustee and limited by an ascertainable standard.

6 (b) By a person other than in a fiduciary capacity and only on the
7 consent of the trustee or a person holding an adverse interest.

8 ~~13.~~ 18. "Property" means anything that may be the subject of
9 ownership, whether real or personal, legal or equitable, or any interest
10 in anything that may be the subject of ownership.

11 ~~14.~~ 19. "Qualified beneficiary" means a beneficiary who, on the
12 date the beneficiary's qualification is determined:

13 (a) Is a distributee or permissible distributee of trust income or
14 principal.

15 (b) Would be a distributee or permissible distributee of trust
16 income or principal if the interests of the distributees described in
17 subdivision (a) of this paragraph terminated on that date.

18 (c) Would be a distributee or permissible distributee of trust
19 income or principal if the trust terminated on that date.

20 ~~15.~~ 20. "Revocable", as applied to a trust or a portion of a
21 trust, means revocable by a settlor without the consent of any person,
22 including the trustee or a person who holds an interest that is either
23 adverse or not adverse.

24 ~~16.~~ 21. "Settlor" means a person, including a testator, who
25 creates or contributes property to a trust. If more than one person
26 creates or contributes property to a trust, each person is a settlor of
27 the portion of the trust property attributable to that person's
28 contribution except to the extent another person has the power to revoke
29 or withdraw that portion.

30 ~~17.~~ 22. "Special needs trust" means a trust established for the
31 benefit of one or more persons with disabilities if one of the purposes of
32 the trust, expressed in the trust instrument or implied from the trust
33 instrument, is to allow the person with a disability to qualify or
34 continue to qualify for public, charitable or private benefits that might
35 otherwise be available to the person with a disability. The existence of
36 one or more remainder beneficiaries without a disability of the trust
37 shall not disqualify it as a special needs trust for the purposes of this
38 paragraph. For the purposes of this paragraph, "person with a disability"
39 means an individual who has a disability pursuant to 42 United States Code
40 section 1382c.

41 ~~18.~~ 23. "Spendthrift provision" means a term of a trust that
42 restrains either voluntary or involuntary transfer of a beneficiary's
43 interest.

44 ~~19.~~ 24. "State" means a state of the United States, the District
45 of Columbia, Puerto Rico, the United States Virgin Islands or any

1 territory or insular possession subject to the jurisdiction of the United
2 States. State includes an Indian tribe or band recognized by federal law
3 or formally acknowledged by a state.

4 ~~20.~~ 25. "Terms of a trust" means the manifestation of the
5 settlor's intent regarding a trust's provisions as expressed in the trust
6 instrument or as may be established by other evidence that would be
7 admissible in a judicial proceeding.

8 ~~21.~~ 26. "Trust instrument" means an instrument executed by the
9 settlor that contains terms of the trust, including any amendments to that
10 trust, AND INCLUDES AN ELECTRONIC TRUST INSTRUMENT.

11 ~~22.~~ 27. "Trustee" includes an original, additional and successor
12 trustee and a cotrustee.

13 28. "WRITING" OR "WRITTEN" INCLUDES THE USE OF AN ELECTRONIC
14 RECORD.

15 Sec. 9. Section 14-10109, Arizona Revised Statutes, is amended to
16 read:

17 14-10109. Methods and waiver of notice

18 A. Notice to a person under this chapter or the sending of a
19 document OR AN ELECTRONIC DOCUMENT to a person under this chapter must be
20 accomplished in a manner reasonably suitable under the circumstances and
21 likely to result in receipt of the notice, ~~or~~ document OR ELECTRONIC
22 RECORD. Permissible methods of notice or for sending a document include
23 first class mail, personal delivery, delivery to the person's last known
24 place of residence or place of business or a properly directed electronic
25 message OR RECORD.

26 B. Notice otherwise required under this chapter or a document OR AN
27 ELECTRONIC RECORD otherwise required to be sent under this chapter need
28 not be provided to a person whose identity or location is unknown to and
29 not reasonably ascertainable by the trustee.

30 C. Notice under this chapter or the sending of a document OR AN
31 ELECTRONIC RECORD under this chapter may be waived by the person to be
32 notified or sent the document.

33 D. Notice of a judicial proceeding must be given pursuant to
34 section 14-1401.

35 Sec. 10. Title 14, chapter 11, article 2, Arizona Revised Statutes,
36 is amended by adding section 14-10206, to read:

37 14-10206. Video recording or other electronic record;
38 admissibility; execution in this state

39 SUBJECT TO COURT RULE, A VIDEO RECORDING OR OTHER ELECTRONIC RECORD
40 IS ADMISSIBLE AS EVIDENCE OF THE FOLLOWING:

- 41 1. THE PROPER EXECUTION OF A TRUST INSTRUMENT.
- 42 2. THE INTENTIONS OF THE SETTLOR.
- 43 3. THE MENTAL STATE OR CAPACITY OF THE SETTLOR.
- 44 4. THE AUTHENTICITY OF THE TRUST INSTRUMENT.

1 5. MATTERS THAT ARE DETERMINED BY THE COURT TO BE RELEVANT TO THE
2 ADMINISTRATION OF A TRUST.

3 Sec. 11. Title 14, chapter 11, article 4, Arizona Revised Statutes,
4 is amended by adding section 14-10419, to read:

5 14-10419. Electronic trust instrument requirements;
6 authentication; execution in this state

7 A. AN ELECTRONIC TRUST INSTRUMENT MUST:

8 1. CONTAIN THE ELECTRONIC SIGNATURE OF THE SETTLOR.

9 2. CONTAIN THE DATE AND TIME OF THE ELECTRONIC SIGNATURE.

10 3. CONTAIN THE TERMS OF THE TRUST, INCLUDING ANY AMENDMENTS TO THE
11 TERMS OF THE TRUST.

12 4. INCLUDE AN AUTHENTICATION METHOD THAT IS ATTACHED TO OR
13 LOGICALLY ASSOCIATED WITH THE ELECTRONIC TRUST INSTRUMENT TO IDENTIFY THE
14 SETTLOR.

15 5. BE CREATED AND MAINTAINED IN SUCH A MANNER THAT ANY ALTERATION
16 OF THE ELECTRONIC TRUST INSTRUMENT IS DETECTABLE.

17 6. OTHERWISE MEET THE REQUIREMENTS OF TITLE 44, CHAPTER 26.

18 B. THE AUTHENTICATION METHOD OF AN ELECTRONIC TRUST INSTRUMENT MUST
19 INCLUDE A COPY OF THE SETTLOR'S VALID DRIVER LICENSE, PASSPORT OR OTHER
20 GOVERNMENT-ISSUED IDENTIFICATION CARD AND AT LEAST ONE OF THE FOLLOWING:

21 1. A KNOWLEDGE-BASED AUTHENTICATION METHOD.

22 2. A DIGITAL CERTIFICATE USING A PUBLIC KEY INFRASTRUCTURE.

23 3. A PHYSICAL DEVICE SUCH AS A SMART CARD, A UNIVERSAL SERIAL BUS
24 PLUG-IN OR SOME OTHER TYPE OF TOKEN.

25 4. A BIOMETRIC IDENTIFICATION, INCLUDING A FINGERPRINT, A RETINAL
26 SCAN, VOICE OR FACIAL RECOGNITION OR A VIDEO RECORDING OF THE TESTATOR.

27 5. SOME OTHER COMMERCIALY REASONABLE METHOD.

28 C. AN ELECTRONIC TRUST INSTRUMENT IS DEEMED TO BE EXECUTED IN THIS
29 STATE IF EITHER OF THE FOLLOWING APPLIES:

30 1. THE ELECTRONIC TRUST INSTRUMENT STATES THAT IT IS GOVERNED BY
31 THE LAWS OF THIS STATE.

32 2. THE PERSON EXECUTING THE ELECTRONIC TRUST INSTRUMENT STATES THAT
33 IT IS BEING EXECUTED PURSUANT TO THE LAWS OF THIS STATE.

34 Sec. 12. Section 44-7002, Arizona Revised Statutes, is amended to
35 read:

36 44-7002. Definitions

37 In this chapter, unless the context otherwise requires:

38 1. "Agreement" means the bargain of the parties in fact, as found
39 in their language or inferred from other circumstances and from rules,
40 regulations and procedures that are given the effect of agreements under
41 laws otherwise applicable to a particular transaction.

42 2. "Automated transaction" means a transaction that is conducted or
43 performed, in whole or in part, by electronic means or electronic records
44 and in which the acts or records of one or both parties are not reviewed
45 by an individual in the ordinary course in forming a contract, performing

1 under an existing contract or fulfilling an obligation that is required by
2 the transaction.

3 3. "Computer program" means a set of statements or instructions to
4 be used directly or indirectly in an information processing system in
5 order to bring about a certain result.

6 4. "Contract" means the total legal obligation resulting from the
7 parties' agreement as affected by this chapter and any other applicable
8 law.

9 5. "Electronic" means relating to technology that has electrical,
10 digital, magnetic, wireless, optical or electromagnetic capabilities or
11 similar capabilities.

12 6. "Electronic agent" means a computer program or an electronic or
13 other automated means that is used independently to initiate an action or
14 respond to electronic records or performances, in whole or in part,
15 without review or action by an individual.

16 7. "Electronic record" means a record that is created, generated,
17 sent, communicated, received or stored by electronic means.

18 8. "Electronic signature" means an electronic sound, symbol or
19 process that is attached to or logically associated with a record and that
20 is executed or adopted by an individual with the intent to sign the
21 record.

22 9. "Governmental agency" means an executive, legislative or
23 judicial agency, department, board, commission, authority, institution or
24 instrumentality of the federal government or a state or of a county or
25 municipality or other political subdivision of a state.

26 10. "Information" means data, text, images, sounds, codes, computer
27 programs, software or databases or similar items.

28 11. "Information processing system" means an electronic system for
29 creating, generating, sending, receiving, storing, displaying or
30 processing information.

31 12. "Person" means an individual, corporation, business trust,
32 estate, trust, partnership, limited liability company, association, joint
33 venture, governmental agency or public corporation or any other legal or
34 commercial entity.

35 13. "Record" means information that is inscribed on a tangible
36 medium or that is stored in an electronic or other medium and that is
37 retrievable in perceivable form.

38 14. "Security procedure" means a procedure that is employed to
39 verify that an electronic signature, record or performance is that of a
40 specific person or to detect changes or errors in the information in an
41 electronic record. Security procedure includes a procedure that requires
42 the use of algorithms or other codes, identifying words or numbers or
43 encryption, callback or other acknowledgment procedures.

44 15. "State" means a state of the United States, the District of
45 Columbia, Puerto Rico, the United States Virgin Islands or any territory

1 or insular possession subject to the jurisdiction of the United States.
2 State includes an Indian tribe or band or Alaskan native village that is
3 recognized by federal law or formally acknowledged by another state.

4 16. "State agency" means any department, commission, board,
5 institution or other agency of ~~the~~ THIS state that receives, expends or
6 disburses state funds or incurs obligations of ~~the~~ THIS state, including
7 the Arizona board of regents but excluding the universities under the
8 jurisdiction of the Arizona board of regents, the community college
9 districts and the legislative or judicial branches.

10 17. "Transaction" means an action or set of actions occurring
11 between two or more persons relating to the conduct of business,
12 commercial or governmental affairs, **INCLUDING THE APPOINTMENT OF AN**
13 **ATTORNEY IN FACT UNDER A POWER OF ATTORNEY TO THE EXTENT OTHERWISE**
14 **AUTHORIZED BY THE LAWS OF THIS STATE.**

15 Sec. 13. Section 44-7003, Arizona Revised Statutes, is amended to
16 read:

17 **44-7003. Scope**

18 A. Except as otherwise provided in subsection B of this section,
19 this chapter applies to any electronic record and electronic signature
20 relating to a transaction.

21 B. This chapter does not apply to a transaction to the extent the
22 transaction is governed by:

23 1. Title 14 as it relates to the creation and execution of wills,
24 codicils or testamentary trusts, **EXCEPT AS PROVIDED IN TITLE 14, CHAPTER**
25 **2, ARTICLE 5 AND CHAPTER 11.**

26 2. Title 47, other than chapters 2 and 2A and section 47-1306 and
27 as otherwise provided in section 44-7016.

28 C. This chapter applies to an electronic record or electronic
29 signature otherwise excluded from the application of this chapter under
30 subsection B of this section to the extent the record or signature is
31 governed by a law other than those laws described in subsection B of this
32 section.

33 D. Any transaction subject to this chapter is also subject to any
34 other applicable substantive law.