

§8-301. Time of taking effect; provisions for transition

1. Effective date. This Code takes effect on September 1, 2019. [PL 2019, c. 417, Pt. A, §103 (AMD).]

2. Applicability. Except as provided elsewhere in this Code, on the effective date of this Code:

A. The Code applies to any wills of decedents who die on or after the effective date; [PL 2019, c. 598, §7 (AMD).]

A-1. The intestate succession provisions of Article 2, Part 1, Subpart 1, the elective share provisions of Article 2, Part 2, the exempt property and allowances provisions of Article 2, Part 4 and the wrongful death provisions of section 2-807 apply to the estates of decedents who die on or after the effective date; [PL 2021, c. 4, §6 (AMD).]

B. The Code applies to any proceedings in court pending on the effective date or commenced on or after the effective date regardless of the time of the death of the decedent except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedure of this Code; [PL 2019, c. 598, §9 (AMD).]

C. Every personal representative appointed prior to September 1, 2019 continues to hold the appointment but has only the powers conferred by this Code and is subject to the duties imposed with respect to any act occurring or done on or after the effective date, and a guardian or conservator appointed prior to September 1, 2019 has the powers conferred by this Code on guardians and conservators, unless otherwise limited by the original order of appointment or subsequent court order under this Code; [PL 2019, c. 598, §10 (AMD).]

D. An act done before September 1, 2019 in any proceeding and any accrued right is not impaired by this Code. If a right is acquired, extinguished or barred upon the expiration of a prescribed period of time that has commenced to run by the provisions of any statute before September 1, 2019, the provisions remain in force with respect to that right; [PL 2019, c. 417, Pt. A, §103 (AMD).]

E. Any rule of construction or presumption provided in this Code applies to instruments executed and multiple party accounts opened before September 1, 2019 unless there is a clear indication of a contrary intent; and [PL 2019, c. 417, Pt. A, §103 (AMD).]

F. For an adoption decree entered before January 1, 1981 and not amended after January 1, 1981, the child is the child of both the former and adopting parents for purposes of intestate succession, notwithstanding section 2-117, unless the decree provides otherwise. [PL 2019, c. 598, §11 (AMD).]

[PL 2021, c. 4, §6 (AMD).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. A, §103 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2019, c. 598, §§7-11 (AMD). PL 2021, c. 4, §6 (AMD).

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