

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# HOUSE BILL 2467

AN ACT

AMENDING TITLE 14, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 13; RELATING TO FIDUCIARY ACCESS TO ELECTRONIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 14, Arizona Revised Statutes, is amended by adding  
3 chapter 13, to read:

4 CHAPTER 13

5 REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT

6 ARTICLE 1. GENERAL PROVISIONS

7 14-13101. Short title

8 THIS CHAPTER MAY BE CITED AS THE REVISED UNIFORM FIDUCIARY ACCESS TO  
9 DIGITAL ASSETS ACT.

10 14-13102. Definitions

11 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 1. "ACCOUNT" MEANS AN ARRANGEMENT UNDER A TERMS-OF-SERVICE AGREEMENT  
13 IN WHICH A CUSTODIAN CARRIES, MAINTAINS, PROCESSES, RECEIVES OR STORES A  
14 DIGITAL ASSET OF THE USER OR PROVIDES GOODS OR SERVICES TO THE USER.

15 2. "AGENT" MEANS AN ATTORNEY-IN-FACT GRANTED AUTHORITY UNDER A DURABLE  
16 OR NONDURABLE POWER OF ATTORNEY.

17 3. "CARRIES" MEANS ENGAGES IN THE TRANSMISSION OF AN ELECTRONIC  
18 COMMUNICATION.

19 4. "CATALOGUE OF ELECTRONIC COMMUNICATIONS" MEANS INFORMATION THAT  
20 IDENTIFIES EACH PERSON WITH WHICH A USER HAS HAD AN ELECTRONIC COMMUNICATION,  
21 THE TIME AND DATE OF THE COMMUNICATION AND THE ELECTRONIC ADDRESS OF THE  
22 PERSON.

23 5. "CONSERVATOR" MEANS A PERSON APPOINTED BY A COURT TO MANAGE THE  
24 ESTATE OF A LIVING INDIVIDUAL AND INCLUDES A LIMITED CONSERVATOR AND A  
25 FIDUCIARY AS DEFINED IN SECTION 14-5651, SUBSECTION K.

26 6. "CONTENT OF AN ELECTRONIC COMMUNICATION" MEANS INFORMATION  
27 CONCERNING THE SUBSTANCE OR MEANING OF THE COMMUNICATION THAT MEETS ALL OF  
28 THE FOLLOWING REQUIREMENTS:

29 (a) HAS BEEN SENT OR RECEIVED BY A USER.

30 (b) IS IN ELECTRONIC STORAGE BY A CUSTODIAN PROVIDING AN  
31 ELECTRONIC-COMMUNICATION SERVICE TO THE PUBLIC OR IS CARRIED OR MAINTAINED BY  
32 A CUSTODIAN PROVIDING A REMOTE-COMPUTING SERVICE TO THE PUBLIC.

33 (c) IS NOT READILY ACCESSIBLE TO THE PUBLIC.

34 7. "COURT" MEANS THE SUPERIOR COURT.

35 8. "CUSTODIAN" MEANS A PERSON THAT CARRIES, MAINTAINS, PROCESSES,  
36 RECEIVES OR STORES A DIGITAL ASSET OF A USER.

37 9. "DESIGNATED RECIPIENT" MEANS A PERSON CHOSEN BY A USER USING AN  
38 ONLINE TOOL TO ADMINISTER DIGITAL ASSETS OF THE USER.

39 10. "DIGITAL ASSET" MEANS AN ELECTRONIC RECORD IN WHICH AN INDIVIDUAL  
40 HAS A RIGHT OR INTEREST. DIGITAL ASSET DOES NOT INCLUDE AN UNDERLYING ASSET  
41 OR LIABILITY UNLESS THE ASSET OR LIABILITY IS ITSELF AN ELECTRONIC RECORD.

42 11. "ELECTRONIC" MEANS RELATING TO TECHNOLOGY HAVING ELECTRICAL,  
43 DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC OR SIMILAR  
44 CAPABILITIES.

- 1           12. "ELECTRONIC COMMUNICATION" HAS THE SAME MEANING PRESCRIBED IN 18  
2 UNITED STATES CODE SECTION 2510(12).
- 3           13. "ELECTRONIC-COMMUNICATION SERVICE" MEANS A CUSTODIAN THAT PROVIDES  
4 TO A USER THE ABILITY TO SEND OR RECEIVE AN ELECTRONIC COMMUNICATION.
- 5           14. "FIDUCIARY" MEANS AN ORIGINAL, ADDITIONAL OR SUCCESSOR PERSONAL  
6 REPRESENTATIVE, CONSERVATOR, AGENT, TRUSTEE OR A FIDUCIARY AS DEFINED IN  
7 SECTION 14-5651, SUBSECTION K.
- 8           15. "INFORMATION" MEANS DATA, TEXT, IMAGES, VIDEOS, SOUNDS, CODES,  
9 COMPUTER PROGRAMS, SOFTWARE, DATABASES OR THE LIKE.
- 10          16. "ONLINE TOOL" MEANS AN ELECTRONIC SERVICE PROVIDED BY A CUSTODIAN  
11 THAT ALLOWS THE USER, IN AN AGREEMENT DISTINCT FROM THE TERMS-OF-SERVICE  
12 AGREEMENT BETWEEN THE CUSTODIAN AND USER, TO PROVIDE DIRECTIONS FOR  
13 DISCLOSURE OR NONDISCLOSURE OF DIGITAL ASSETS TO A THIRD PERSON.
- 14          17. "PERSON" MEANS AN INDIVIDUAL, AN ESTATE, A BUSINESS OR NONPROFIT  
15 ENTITY, A PUBLIC CORPORATION, A GOVERNMENT OR GOVERNMENTAL SUBDIVISION,  
16 AGENCY OR INSTRUMENTALITY OR ANY OTHER LEGAL ENTITY.
- 17          18. "PERSONAL REPRESENTATIVE" MEANS AN EXECUTOR, AN ADMINISTRATOR, A  
18 SPECIAL ADMINISTRATOR OR PERSON THAT PERFORMS SUBSTANTIALLY THE SAME FUNCTION  
19 UNDER LAW OF THIS STATE OTHER THAN THIS CHAPTER.
- 20          19. "POWER OF ATTORNEY" MEANS A RECORD THAT GRANTS AN AGENT AUTHORITY  
21 TO ACT IN THE PLACE OF A PRINCIPAL.
- 22          20. "PRINCIPAL" MEANS AN INDIVIDUAL WHO GRANTS AUTHORITY TO AN AGENT  
23 IN A POWER OF ATTORNEY.
- 24          21. "PROTECTED PERSON" MEANS AN INDIVIDUAL FOR WHOM A CONSERVATOR HAS  
25 BEEN APPOINTED. PROTECTED PERSON INCLUDES AN INDIVIDUAL FOR WHOM AN  
26 APPLICATION FOR THE APPOINTMENT OF A CONSERVATOR IS PENDING.
- 27          22. "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM  
28 OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND THAT IS RETRIEVABLE IN  
29 PERCEIVABLE FORM.
- 30          23. "REMOTE-COMPUTING SERVICE" MEANS A CUSTODIAN THAT PROVIDES TO A  
31 USER COMPUTER-PROCESSING SERVICES OR THE STORAGE OF DIGITAL ASSETS BY MEANS  
32 OF AN ELECTRONIC COMMUNICATIONS SYSTEM, AS DEFINED IN 18 UNITED STATES CODE  
33 SECTION 2510(14).
- 34          24. "TERMS-OF-SERVICE AGREEMENT" MEANS AN AGREEMENT THAT CONTROLS THE  
35 RELATIONSHIP BETWEEN A USER AND A CUSTODIAN.
- 36          25. "TRUSTEE" MEANS A FIDUCIARY WITH LEGAL TITLE TO PROPERTY UNDER AN  
37 AGREEMENT OR DECLARATION THAT CREATES A BENEFICIAL INTEREST IN ANOTHER.  
38 TRUSTEE INCLUDES A SUCCESSOR TRUSTEE.
- 39          26. "USER" MEANS A PERSON THAT HAS AN ACCOUNT WITH A CUSTODIAN.
- 40          27. "WILL" INCLUDES A CODICIL, TESTAMENTARY INSTRUMENT THAT ONLY  
41 APPOINTS AN EXECUTOR AND INSTRUMENT THAT REVOKES OR REVISES A TESTAMENTARY  
42 INSTRUMENT.
- 43          14-13103. Applicability
- 44          A. THIS CHAPTER APPLIES TO ALL OF THE FOLLOWING:

1           1. A FIDUCIARY ACTING UNDER A WILL OR POWER OF ATTORNEY EXECUTED  
2 BEFORE, ON OR AFTER THE EFFECTIVE DATE OF THIS CHAPTER.  
3           2. A PERSONAL REPRESENTATIVE ACTING FOR A DECEDENT WHO DIED BEFORE, ON  
4 OR AFTER THE EFFECTIVE DATE OF THIS CHAPTER.  
5           3. A CONSERVATORSHIP PROCEEDING COMMENCED BEFORE, ON OR AFTER THE  
6 EFFECTIVE DATE OF THIS CHAPTER.  
7           4. A TRUSTEE ACTING UNDER A TRUST CREATED BEFORE, ON OR AFTER THE  
8 EFFECTIVE DATE OF THIS CHAPTER.  
9           B. THIS CHAPTER APPLIES TO A CUSTODIAN IF THE USER RESIDES IN THIS  
10 STATE OR RESIDED IN THIS STATE AT THE TIME OF THE USER'S DEATH.  
11           C. THIS CHAPTER DOES NOT APPLY TO A DIGITAL ASSET OF AN EMPLOYER USED  
12 BY AN EMPLOYEE IN THE ORDINARY COURSE OF THE EMPLOYER'S BUSINESS.  
13           14-13104. User direction for disclosure of digital assets  
14           A. A USER MAY USE AN ONLINE TOOL TO DIRECT THE CUSTODIAN TO DISCLOSE  
15 TO A DESIGNATED RECIPIENT OR NOT TO DISCLOSE SOME OR ALL OF THE USER'S  
16 DIGITAL ASSETS, INCLUDING THE CONTENT OF ELECTRONIC COMMUNICATIONS. IF THE  
17 ONLINE TOOL ALLOWS THE USER TO MODIFY OR DELETE A DIRECTION AT ALL TIMES, A  
18 DIRECTION REGARDING DISCLOSURE USING AN ONLINE TOOL OVERRIDES A CONTRARY  
19 DIRECTION BY THE USER IN A WILL, TRUST, POWER OF ATTORNEY OR OTHER RECORD.  
20           B. IF A USER HAS NOT USED AN ONLINE TOOL TO GIVE DIRECTION UNDER  
21 SUBSECTION A OF THIS SECTION OR IF THE CUSTODIAN HAS NOT PROVIDED AN ONLINE  
22 TOOL, THE USER MAY ALLOW OR PROHIBIT IN A WILL, TRUST, POWER OF ATTORNEY OR  
23 OTHER RECORD DISCLOSURE TO A FIDUCIARY OF SOME OR ALL OF THE USER'S DIGITAL  
24 ASSETS, INCLUDING THE CONTENT OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED  
25 BY THE USER.  
26           C. A USER'S DIRECTION UNDER SUBSECTION A OR B OF THIS SECTION  
27 OVERRIDES A CONTRARY PROVISION IN A TERMS-OF-SERVICE AGREEMENT THAT DOES NOT  
28 REQUIRE THE USER TO ACT AFFIRMATIVELY AND DISTINCTLY FROM THE USER'S ASSENT  
29 TO THE TERMS OF SERVICE.  
30           14-13105. Terms-of-service agreement  
31           A. THIS CHAPTER DOES NOT CHANGE OR IMPAIR A RIGHT OF A CUSTODIAN OR A  
32 USER UNDER A TERMS-OF-SERVICE AGREEMENT TO ACCESS AND USE DIGITAL ASSETS OF  
33 THE USER.  
34           B. THIS CHAPTER DOES NOT GIVE A FIDUCIARY OR DESIGNATED RECIPIENT ANY  
35 NEW OR EXPANDED RIGHTS OTHER THAN THOSE HELD BY THE USER FOR WHOM, OR FOR  
36 WHOSE ESTATE, THE FIDUCIARY OR DESIGNATED RECIPIENT ACTS OR REPRESENTS.  
37           C. A FIDUCIARY'S OR DESIGNATED RECIPIENT'S ACCESS TO DIGITAL ASSETS  
38 MAY BE MODIFIED OR ELIMINATED BY A USER, BY FEDERAL LAW OR BY A  
39 TERMS-OF-SERVICE AGREEMENT IF THE USER HAS NOT PROVIDED DIRECTION UNDER  
40 SECTION 14-13104.  
41           14-13106. Procedure for disclosing digital assets  
42           A. WHEN DISCLOSING DIGITAL ASSETS OF A USER UNDER THIS CHAPTER, THE  
43 CUSTODIAN MAY DO, AT ITS SOLE DISCRETION, ANY OF THE FOLLOWING:  
44           1. GRANT A FIDUCIARY OR DESIGNATED RECIPIENT FULL ACCESS TO THE USER'S  
45 ACCOUNT.



1 (ii) DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS OF THE  
2 USER WOULD NOT VIOLATE 18 UNITED STATES CODE SECTIONS 2701 THROUGH 2712,  
3 47 UNITED STATES CODE SECTION 222 OR OTHER APPLICABLE LAW.

4 (iii) UNLESS THE USER PROVIDED DIRECTION USING AN ONLINE TOOL, THE  
5 USER CONSENTED TO DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS.

6 (iv) DISCLOSURE OF THE CONTENT OF ELECTRONIC COMMUNICATIONS OF THE  
7 USER IS REASONABLY NECESSARY FOR ADMINISTRATION OF THE ESTATE.

8 14-13108. Disclosure of other digital assets of deceased user

9 UNLESS THE USER PROHIBITED DISCLOSURE OF DIGITAL ASSETS OR THE COURT  
10 DIRECTS OTHERWISE, A CUSTODIAN SHALL DISCLOSE TO THE PERSONAL REPRESENTATIVE  
11 OF THE ESTATE OF A DECEASED USER A CATALOGUE OF ELECTRONIC COMMUNICATIONS  
12 SENT OR RECEIVED BY THE USER AND DIGITAL ASSETS, OTHER THAN THE CONTENT OF  
13 ELECTRONIC COMMUNICATIONS, OF THE USER, IF THE REPRESENTATIVE GIVES THE  
14 CUSTODIAN ALL OF THE FOLLOWING:

- 15 1. A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM.
- 16 2. A CERTIFIED COPY OF THE DEATH CERTIFICATE OF THE USER.
- 17 3. A CERTIFIED COPY OF THE LETTERS TESTAMENTARY, A SMALL-ESTATE  
18 AFFIDAVIT OR A COURT ORDER.

19 4. IF REQUESTED BY THE CUSTODIAN ANY OF THE FOLLOWING:

20 (a) A NUMBER, USERNAME, ADDRESS OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT  
21 IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE USER'S ACCOUNT.

22 (b) EVIDENCE LINKING THE ACCOUNT TO THE USER.

23 (c) AN AFFIDAVIT STATING THAT DISCLOSURE OF THE USER'S DIGITAL ASSETS  
24 IS REASONABLY NECESSARY FOR ADMINISTRATION OF THE ESTATE.

25 (d) A FINDING BY THE COURT OF EITHER OF THE FOLLOWING:

26 (i) THE USER HAD A SPECIFIC ACCOUNT WITH THE CUSTODIAN, IDENTIFIABLE  
27 BY THE INFORMATION SPECIFIED IN SUBDIVISION (a) OF THIS PARAGRAPH.

28 (ii) DISCLOSURE OF THE USER'S DIGITAL ASSETS IS REASONABLY NECESSARY  
29 FOR ADMINISTRATION OF THE ESTATE.

30 14-13109. Disclosure of content of electronic communications of  
31 principal

32 TO THE EXTENT A POWER OF ATTORNEY EXPRESSLY GRANTS AN AGENT AUTHORITY  
33 OVER THE CONTENT OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE  
34 PRINCIPAL AND UNLESS DIRECTED OTHERWISE BY THE PRINCIPAL OR THE COURT, A  
35 CUSTODIAN SHALL DISCLOSE TO THE AGENT THE CONTENT IF THE AGENT GIVES THE  
36 CUSTODIAN ALL OF THE FOLLOWING:

- 37 1. A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM.
- 38 2. AN ORIGINAL OR COPY OF THE POWER OF ATTORNEY EXPRESSLY GRANTING THE  
39 AGENT AUTHORITY OVER THE CONTENT OF ELECTRONIC COMMUNICATIONS OF THE  
40 PRINCIPAL.

41 3. A CERTIFICATION BY THE AGENT, UNDER PENALTY OF PERJURY, THAT THE  
42 POWER OF ATTORNEY IS IN EFFECT.

43 4. IF REQUESTED BY THE CUSTODIAN ANY OF THE FOLLOWING:

44 (a) A NUMBER, USERNAME, ADDRESS OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT  
45 IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE PRINCIPAL'S ACCOUNT.

1 (b) EVIDENCE LINKING THE ACCOUNT TO THE PRINCIPAL.

2 14-13110. Disclosure of other digital assets of principal

3 UNLESS OTHERWISE ORDERED BY THE COURT, DIRECTED BY THE PRINCIPAL OR  
4 PROVIDED BY A POWER OF ATTORNEY, A CUSTODIAN SHALL DISCLOSE TO AN AGENT WITH  
5 SPECIFIC AUTHORITY OVER DIGITAL ASSETS OR GENERAL AUTHORITY TO ACT ON BEHALF  
6 OF A PRINCIPAL A CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY  
7 THE PRINCIPAL AND DIGITAL ASSETS, OTHER THAN THE CONTENT OF ELECTRONIC  
8 COMMUNICATIONS, OF THE PRINCIPAL IF THE AGENT GIVES THE CUSTODIAN ALL OF THE  
9 FOLLOWING:

10 1. A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM.

11 2. AN ORIGINAL OR A COPY OF THE POWER OF ATTORNEY THAT GIVES THE AGENT  
12 SPECIFIC AUTHORITY OVER DIGITAL ASSETS OR GENERAL AUTHORITY TO ACT ON BEHALF  
13 OF THE PRINCIPAL.

14 3. A CERTIFICATION BY THE AGENT, UNDER PENALTY OF PERJURY, THAT THE  
15 POWER OF ATTORNEY IS IN EFFECT.

16 4. IF REQUESTED BY THE CUSTODIAN ANY OF THE FOLLOWING:

17 (a) A NUMBER, USERNAME, ADDRESS OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT  
18 IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE PRINCIPAL'S ACCOUNT.

19 (b) EVIDENCE LINKING THE ACCOUNT TO THE PRINCIPAL.

20 14-13111. Disclosure of digital assets held in trust when  
21 trustee is original user

22 UNLESS OTHERWISE ORDERED BY THE COURT OR PROVIDED IN A TRUST, A  
23 CUSTODIAN SHALL DISCLOSE TO A TRUSTEE THAT IS AN ORIGINAL USER OF AN ACCOUNT  
24 ANY DIGITAL ASSET OF THE ACCOUNT HELD IN TRUST, INCLUDING A CATALOGUE OF  
25 ELECTRONIC COMMUNICATIONS OF THE TRUSTEE AND THE CONTENT OF ELECTRONIC  
26 COMMUNICATIONS.

27 14-13112. Disclosure of contents of electronic communications  
28 held in trust when trustee is not original user

29 UNLESS OTHERWISE ORDERED BY THE COURT, DIRECTED BY THE USER OR PROVIDED  
30 IN A TRUST, A CUSTODIAN SHALL DISCLOSE TO A TRUSTEE THAT IS NOT AN ORIGINAL  
31 USER OF AN ACCOUNT THE CONTENT OF AN ELECTRONIC COMMUNICATION SENT OR  
32 RECEIVED BY AN ORIGINAL OR SUCCESSOR USER AND CARRIED, MAINTAINED, PROCESSED,  
33 RECEIVED OR STORED BY THE CUSTODIAN IN THE ACCOUNT OF THE TRUST, IF THE  
34 TRUSTEE GIVES THE CUSTODIAN ALL OF THE FOLLOWING:

35 1. A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR ELECTRONIC FORM.

36 2. A CERTIFIED COPY OF THE TRUST INSTRUMENT OR A CERTIFICATION OF THE  
37 TRUST UNDER SECTION 14-11013 THAT INCLUDES CONSENT TO DISCLOSURE OF THE  
38 CONTENT OF ELECTRONIC COMMUNICATIONS TO THE TRUSTEE.

39 3. A CERTIFICATION BY THE TRUSTEE, UNDER PENALTY OF PERJURY, THAT THE  
40 TRUST EXISTS AND THE TRUSTEE IS A CURRENTLY ACTING TRUSTEE OF THE TRUST.

41 4. IF REQUESTED BY THE CUSTODIAN ANY OF THE FOLLOWING:

42 (a) A NUMBER, USERNAME, ADDRESS OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT  
43 IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE TRUST'S ACCOUNT.

44 (b) EVIDENCE LINKING THE ACCOUNT TO THE TRUST.



1           14-13115. Fiduciary duty and authority

2           A. THE LEGAL DUTIES IMPOSED ON A FIDUCIARY CHARGED WITH MANAGING  
3 TANGIBLE PROPERTY APPLY TO THE MANAGEMENT OF DIGITAL ASSETS, INCLUDING ALL OF  
4 THE FOLLOWING, IF APPLICABLE:

- 5           1. THE DUTY OF CARE.  
6           2. THE DUTY OF LOYALTY.  
7           3. THE DUTY OF CONFIDENTIALITY.

8           B. A FIDUCIARY'S OR DESIGNATED RECIPIENT'S AUTHORITY WITH RESPECT TO A  
9 DIGITAL ASSET OF A USER:

- 10           1. EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-13104, IS SUBJECT TO THE  
11 APPLICABLE TERMS OF SERVICE.  
12           2. IS SUBJECT TO OTHER APPLICABLE LAW, INCLUDING COPYRIGHT LAW.  
13           3. IN THE CASE OF A FIDUCIARY, IS LIMITED BY THE SCOPE OF THE  
14 FIDUCIARY'S DUTIES.  
15           4. MAY NOT BE USED TO IMPERSONATE THE USER.

16           C. A FIDUCIARY WITH AUTHORITY OVER THE PROPERTY OF A DECEDENT,  
17 PROTECTED PERSON, PRINCIPAL OR SETTLOR HAS THE RIGHT TO ACCESS ANY DIGITAL  
18 ASSET IN WHICH THE DECEDENT, PROTECTED PERSON, PRINCIPAL OR SETTLOR HAD A  
19 RIGHT OR INTEREST AND THAT IS NOT HELD BY A CUSTODIAN OR SUBJECT TO A  
20 TERMS-OF-SERVICE AGREEMENT.

21           D. A FIDUCIARY ACTING WITHIN THE SCOPE OF THE FIDUCIARY'S DUTIES IS AN  
22 AUTHORIZED USER OF THE PROPERTY OF THE DECEDENT, PROTECTED PERSON, PRINCIPAL  
23 OR SETTLOR FOR THE PURPOSE OF APPLICABLE COMPUTER-FRAUD AND  
24 UNAUTHORIZED-COMPUTER-ACCESS LAWS, INCLUDING SECTION 13-2316.

25           E. A FIDUCIARY WITH AUTHORITY OVER THE TANGIBLE, PERSONAL PROPERTY OF  
26 A DECEDENT, PROTECTED PERSON, PRINCIPAL OR SETTLOR:

- 27           1. HAS THE RIGHT TO ACCESS THE PROPERTY AND ANY DIGITAL ASSET STORED  
28 IN IT.  
29           2. IS AN AUTHORIZED USER FOR THE PURPOSE OF COMPUTER-FRAUD AND  
30 UNAUTHORIZED-COMPUTER-ACCESS LAWS, INCLUDING SECTION 13-2316.

31           F. A CUSTODIAN MAY DISCLOSE INFORMATION IN AN ACCOUNT TO A FIDUCIARY  
32 OF THE USER WHEN THE INFORMATION IS REQUIRED TO TERMINATE AN ACCOUNT USED TO  
33 ACCESS DIGITAL ASSETS LICENSED TO THE USER.

34           G. A FIDUCIARY OF A USER MAY REQUEST A CUSTODIAN TO TERMINATE THE  
35 USER'S ACCOUNT. A REQUEST FOR TERMINATION MUST BE IN WRITING, IN EITHER  
36 PHYSICAL OR ELECTRONIC FORM, AND ACCOMPANIED BY ALL OF THE FOLLOWING:

- 37           1. IF THE USER IS DECEASED, A CERTIFIED COPY OF THE DEATH CERTIFICATE  
38 OF THE USER.  
39           2. A CERTIFIED COPY OF THE LETTERS TESTAMENTARY OF THE REPRESENTATIVE,  
40 SMALL-ESTATE AFFIDAVIT, COURT ORDER, POWER OF ATTORNEY OR TRUST GIVING THE  
41 FIDUCIARY AUTHORITY OVER THE ACCOUNT.  
42           3. IF REQUESTED BY THE CUSTODIAN ANY OF THE FOLLOWING:  
43           (a) A NUMBER, USERNAME, ADDRESS OR OTHER UNIQUE SUBSCRIBER OR ACCOUNT  
44 IDENTIFIER ASSIGNED BY THE CUSTODIAN TO IDENTIFY THE USER'S ACCOUNT.  
45           (b) EVIDENCE LINKING THE ACCOUNT TO THE USER.

1 (c) A FINDING BY THE COURT THAT THE USER HAD A SPECIFIC ACCOUNT WITH  
2 THE CUSTODIAN, IDENTIFIABLE BY THE INFORMATION SPECIFIED IN SUBDIVISION (a)  
3 OF THIS PARAGRAPH.

4 14-13116. Custodian compliance and immunity

5 A. NOT LATER THAN SIXTY DAYS AFTER RECEIPT OF THE INFORMATION REQUIRED  
6 UNDER SECTION 14-13107, 14-13108, 14-13109, 14-13110, 14-13111, 14-13112,  
7 14-13113, 14-13114 OR 14-13115, A CUSTODIAN SHALL COMPLY WITH A REQUEST UNDER  
8 THIS CHAPTER FROM A FIDUCIARY OR DESIGNATED RECIPIENT TO DISCLOSE DIGITAL  
9 ASSETS OR TERMINATE AN ACCOUNT. IF THE CUSTODIAN FAILS TO COMPLY, THE  
10 FIDUCIARY OR DESIGNATED RECIPIENT MAY APPLY TO THE COURT FOR AN ORDER  
11 DIRECTING COMPLIANCE.

12 B. AN ORDER UNDER SUBSECTION A OF THIS SECTION DIRECTING COMPLIANCE  
13 MUST CONTAIN A FINDING THAT COMPLIANCE IS NOT IN VIOLATION OF 18 UNITED  
14 STATES CODE SECTION 2702.

15 C. A CUSTODIAN MAY NOTIFY THE USER THAT A REQUEST FOR DISCLOSURE OR TO  
16 TERMINATE AN ACCOUNT WAS MADE UNDER THIS CHAPTER.

17 D. A CUSTODIAN MAY DENY A REQUEST UNDER THIS CHAPTER FROM A FIDUCIARY  
18 OR DESIGNATED RECIPIENT FOR DISCLOSURE OF DIGITAL ASSETS OR TO TERMINATE AN  
19 ACCOUNT IF THE CUSTODIAN IS AWARE OF ANY LAWFUL ACCESS TO THE ACCOUNT  
20 FOLLOWING THE RECEIPT OF THE FIDUCIARY'S REQUEST.

21 E. THIS CHAPTER DOES NOT LIMIT A CUSTODIAN'S ABILITY TO OBTAIN OR  
22 REQUIRE A FIDUCIARY OR DESIGNATED RECIPIENT REQUESTING DISCLOSURE OR  
23 TERMINATION UNDER THIS CHAPTER TO OBTAIN A COURT ORDER THAT DOES ANY OF THE  
24 FOLLOWING:

25 1. SPECIFIES THAT AN ACCOUNT BELONGS TO THE PROTECTED PERSON OR  
26 PRINCIPAL.

27 2. SPECIFIES THAT THERE IS SUFFICIENT CONSENT FROM THE PROTECTED  
28 PERSON OR PRINCIPAL TO SUPPORT THE REQUESTED DISCLOSURE.

29 3. CONTAINS A FINDING REQUIRED BY LAW OTHER THAN THIS CHAPTER.

30 F. A CUSTODIAN AND ITS OFFICERS, EMPLOYEES AND AGENTS ARE IMMUNE FROM  
31 LIABILITY FOR AN ACT OR OMISSION DONE IN GOOD FAITH IN COMPLIANCE WITH THIS  
32 CHAPTER.

33 14-13117. Uniformity of application and construction

34 IN APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE  
35 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS  
36 SUBJECT MATTER AMONG STATES THAT ENACT IT.

37 14-13118. Relation to electronic signatures in global and  
38 national commerce act

39 THIS CHAPTER MODIFIES, LIMITS AND SUPERSEDES THE ELECTRONIC SIGNATURES  
40 IN GLOBAL AND NATIONAL COMMERCE ACT, 15 UNITED STATES CODE SECTIONS 7001  
41 THROUGH 7031, BUT DOES NOT MODIFY, LIMIT OR SUPERSEDE 15 UNITED STATES CODE  
42 SECTION 7001(c) OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES  
43 DESCRIBED IN 15 UNITED STATES CODE SECTION 7003(b).