

§10-106. Procedure for disclosing digital assets

1. Disclosure at discretion of custodian. When disclosing digital assets of a user under this Act, the custodian may at its sole discretion:

A. Grant a fiduciary or designated recipient full access to the user's account; [PL 2019, c. 417, Pt. A, §107 (NEW).]

B. Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or [PL 2019, c. 417, Pt. A, §107 (NEW).]

C. Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account. [PL 2019, c. 417, Pt. A, §107 (NEW).]
[PL 2019, c. 417, Pt. A, §107 (NEW).]

2. Administrative charge. A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this Act.
[PL 2019, c. 417, Pt. A, §107 (NEW).]

3. Deleted digital assets. A custodian need not disclose under this Act a digital asset deleted by a user.
[PL 2019, c. 417, Pt. A, §107 (NEW).]

4. Undue burden on custodian; court order to disclose. If a user directs or a fiduciary requests a custodian to disclose under this Act some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose:

A. A subset limited by date of the user's digital assets; [PL 2019, c. 417, Pt. A, §107 (NEW).]

B. All of the user's digital assets to the fiduciary or designated recipient; [PL 2019, c. 417, Pt. A, §107 (NEW).]

C. None of the user's digital assets; or [PL 2019, c. 417, Pt. A, §107 (NEW).]

D. All of the user's digital assets to the court for review in camera. [PL 2019, c. 417, Pt. A, §107 (NEW).]

[PL 2019, c. 417, Pt. A, §107 (NEW).]

SECTION HISTORY

PL 2019, c. 417, Pt. A, §107 (NEW).

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