

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 16-0126.01 Jerry Barry x4341

SENATE BILL 16-088

SENATE SPONSORSHIP

Steadman,

HOUSE SPONSORSHIP

Willett,

Senate Committees  
Judiciary

House Committees  
Judiciary

A BILL FOR AN ACT

101 CONCERNING THE "REVISED UNIFORM FIDUCIARY ACCESS TO  
102 DIGITAL ASSETS ACT".

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Colorado Commission on Uniform State Laws.** The bill enacts the "Revised Uniform Fiduciary Access to Digital Assets Act", as amended, as Colorado law. The bill sets forth the conditions under which certain fiduciaries may access:

! The content of an electronic communication of a principal or decedent;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
2nd Reading Unamended  
March 10, 2016

SENATE  
3rd Reading Unamended  
February 22, 2016

SENATE  
Amended 2nd Reading  
February 19, 2016

! A catalog of electronic communications sent or received by a principal or decedent; and

! Any other digital asset in which a principal has a right or interest or in which a decedent had a right or interest at death.

As to tangible personal property capable of receiving, storing, processing, or sending a digital asset, a fiduciary with authority over the property of a decedent, protected person, principal, or settlor may access the property and any digital asset stored in it and is an authorized user for purposes of computer fraud and unauthorized computer access laws.

A custodian and its officers, employees, and agents are immune from liability for an act or omission done in good-faith compliance with the provisions of the bill.

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** part 15 to article 1 of title 15 as follows:

PART 15

REVISED UNIFORM FIDUCIARY ACCESS

TO DIGITAL ASSETS ACT

**15-1-1501. Short title.** THIS PART 15 MAY BE CITED AS THE "REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT".

**15-1-1502. Definitions.** IN THIS PART 15:

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

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

(3) "CARRIES" MEANS ENGAGES IN THE TRANSMISSION OF AN ELECTRONIC COMMUNICATION.

(4) "CATALOG OF ELECTRONIC COMMUNICATIONS" MEANS

1 INFORMATION THAT IDENTIFIES EACH PERSON WITH WHICH A USER HAS  
2 HAD AN ELECTRONIC COMMUNICATION, THE TIME AND DATE OF THE  
3 COMMUNICATION, AND THE ELECTRONIC ADDRESS OF THE PERSON.

4 (5) "CONSERVATOR" MEANS A PERSON APPOINTED BY A COURT TO  
5 MANAGE THE ESTATE OF A LIVING INDIVIDUAL. THE TERM INCLUDES A  
6 LIMITED CONSERVATOR.

7 (6) "CONTENT OF AN ELECTRONIC COMMUNICATION" MEANS  
8 INFORMATION CONCERNING THE SUBSTANCE OR MEANING OF A  
9 COMMUNICATION THAT:

10 (a) HAS BEEN SENT OR RECEIVED BY A USER;

11 (b) IS IN ELECTRONIC STORAGE BY A CUSTODIAN PROVIDING AN  
12 ELECTRONIC-COMMUNICATION SERVICE TO THE PUBLIC OR IS CARRIED OR  
13 MAINTAINED BY A CUSTODIAN PROVIDING A REMOTE-COMPUTING SERVICE  
14 TO THE PUBLIC; AND

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

16 (7) "COURT" MEANS THE DISTRICT COURT, EXCEPT IN THE CITY  
17 AND COUNTY OF DENVER WHERE IT IS THE PROBATE COURT.

18 (8) "CUSTODIAN" MEANS A PERSON THAT CARRIES, MAINTAINS,  
19 PROCESSES, RECEIVES, OR STORES A DIGITAL ASSET OF A USER.

20 (9) "DESIGNATED RECIPIENT" MEANS A PERSON CHOSEN BY A USER  
21 USING AN ON-LINE TOOL TO ADMINISTER DIGITAL ASSETS OF THE USER.

22 (10) "DIGITAL ASSET" MEANS AN ELECTRONIC RECORD IN WHICH  
23 AN INDIVIDUAL HAS A RIGHT OR INTEREST. THE TERM DOES NOT INCLUDE  
24 AN UNDERLYING ASSET OR LIABILITY UNLESS THE ASSET OR LIABILITY IS  
25 ITSELF AN ELECTRONIC RECORD.

26 (11) "ELECTRONIC" MEANS RELATING TO TECHNOLOGY HAVING  
27 ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL,

1 ELECTROMAGNETIC, OR SIMILAR CAPABILITIES.

2 (12) "ELECTRONIC COMMUNICATION" HAS THE MEANING SET  
3 FORTH IN 18 U.S.C. SEC. 2510(12), AS AMENDED.

4 (13) "ELECTRONIC-COMMUNICATION SERVICE" MEANS A  
5 CUSTODIAN THAT PROVIDES TO A USER THE ABILITY TO SEND OR RECEIVE  
6 AN ELECTRONIC COMMUNICATION.

7 (14) "FIDUCIARY" MEANS AN ORIGINAL, ADDITIONAL, OR  
8 SUCCESSOR PERSONAL REPRESENTATIVE, CONSERVATOR, AGENT, OR  
9 TRUSTEE.

10 (15) "INFORMATION" MEANS DATA, TEXT, IMAGES, VIDEOS,  
11 SOUNDS, CODES, COMPUTER PROGRAMS, SOFTWARE, DATABASES, OR THE  
12 LIKE.

13 (16) "ON-LINE TOOL" MEANS AN ELECTRONIC SERVICE PROVIDED  
14 BY A CUSTODIAN THAT ALLOWS THE USER, IN AN AGREEMENT DISTINCT  
15 FROM THE TERMS-OF-SERVICE AGREEMENT BETWEEN THE CUSTODIAN AND  
16 USER, TO PROVIDE DIRECTIONS FOR DISCLOSURE OR NONDISCLOSURE OF  
17 DIGITAL ASSETS TO A THIRD PERSON.

18 (17) "PERSON" MEANS AN INDIVIDUAL; ESTATE; BUSINESS OR  
19 NONPROFIT ENTITY; PUBLIC CORPORATION; GOVERNMENT OR  
20 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY; OR OTHER  
21 LEGAL ENTITY.

22 (18) "PERSONAL REPRESENTATIVE" MEANS AN EXECUTOR,  
23 ADMINISTRATOR, SPECIAL ADMINISTRATOR, OR PERSON THAT PERFORMS  
24 SUBSTANTIALLY THE SAME FUNCTION UNDER LAW OF THIS STATE OTHER  
25 THAN THIS PART 15.

26 (19) "POWER OF ATTORNEY" MEANS A RECORD THAT GRANTS AN  
27 AGENT AUTHORITY TO ACT IN THE PLACE OF A PRINCIPAL.

1 (20) "PRINCIPAL" MEANS AN INDIVIDUAL WHO GRANTS AUTHORITY  
2 TO AN AGENT IN A POWER OF ATTORNEY.

3 (21) "PROTECTED PERSON" MEANS AN INDIVIDUAL FOR WHOM A  
4 CONSERVATOR HAS BEEN APPOINTED. THE TERM INCLUDES AN INDIVIDUAL  
5 FOR WHOM AN APPLICATION FOR THE APPOINTMENT OF A CONSERVATOR  
6 IS PENDING.

7 (22) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A  
8 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER  
9 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

10 (23) "REMOTE-COMPUTING SERVICE" MEANS A CUSTODIAN THAT  
11 PROVIDES TO A USER COMPUTER-PROCESSING SERVICES OR THE STORAGE  
12 OF DIGITAL ASSETS BY MEANS OF AN ELECTRONIC COMMUNICATIONS  
13 SYSTEM, AS DEFINED IN 18 U.S.C. SEC. 2510(14), AS AMENDED.

14 (24) "TERMS-OF-SERVICE AGREEMENT" MEANS AN AGREEMENT  
15 THAT CONTROLS THE RELATIONSHIP BETWEEN A USER AND A CUSTODIAN.

16 (25) "TRUSTEE" MEANS A FIDUCIARY WITH LEGAL TITLE TO  
17 PROPERTY UNDER AN AGREEMENT OR DECLARATION THAT CREATES A  
18 BENEFICIAL INTEREST IN ANOTHER. THE TERM INCLUDES A SUCCESSOR  
19 TRUSTEE.

20 (26) "USER" MEANS A PERSON THAT HAS AN ACCOUNT WITH A  
21 CUSTODIAN.

22 (27) "WILL" INCLUDES A CODICIL, TESTAMENTARY INSTRUMENT  
23 THAT ONLY APPOINTS AN EXECUTOR, AND INSTRUMENT THAT REVOKES OR  
24 REVISES A TESTAMENTARY INSTRUMENT.

25 **15-1-1503. Applicability.** (1) THIS PART 15 APPLIES TO:

26 (a) A FIDUCIARY ACTING UNDER A WILL OR POWER OF ATTORNEY  
27 EXECUTED BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS PART 15;

1 (b) A PERSONAL REPRESENTATIVE ACTING FOR A DECEDENT WHO  
2 DIED BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS PART 15;

3 (c) A CONSERVATORSHIP PROCEEDING COMMENCED BEFORE, ON,  
4 OR AFTER THE EFFECTIVE DATE OF THIS PART 15; AND

5 (d) A TRUSTEE ACTING UNDER A TRUST CREATED BEFORE, ON, OR  
6 AFTER THE EFFECTIVE DATE OF THIS PART 15.

7 (2) THIS PART 15 APPLIES TO A CUSTODIAN IF THE USER RESIDES IN  
8 THIS STATE OR RESIDED IN THIS STATE AT THE TIME OF THE USER'S DEATH.

9 (3) (a) THIS PART 15 DOES NOT APPLY TO A DIGITAL ASSET OF AN  
10 EMPLOYER USED BY AN EMPLOYEE IN THE ORDINARY COURSE OF THE  
11 EMPLOYER'S BUSINESS.

12 (b) THIS PART 15 DOES NOT APPLY TO A DIGITAL ASSET OF AN  
13 ENTITY USED BY A MANAGER, OWNER, OR OTHER PERSON IN THE COURSE  
14 OF THE CONDUCT OF THE INTERNAL AFFAIRS OF THE ENTITY. THE TERMS  
15 "ENTITY", "MANAGER", AND "OWNER" IN THIS PARAGRAPH (b) HAVE THE  
16 SAME MEANING AS DEFINED IN SECTION 7-90-102, C.R.S.

17 **15-1-1504. User direction for disclosure of digital assets.** (1) A  
18 USER MAY USE AN ON-LINE TOOL TO DIRECT THE CUSTODIAN TO DISCLOSE  
19 TO A DESIGNATED RECIPIENT OR TO NOT DISCLOSE SOME OR ALL OF THE  
20 USER'S DIGITAL ASSETS, INCLUDING THE CONTENT OF ELECTRONIC  
21 COMMUNICATIONS. IF THE ON-LINE TOOL ALLOWS THE USER TO MODIFY OR  
22 DELETE A DIRECTION AT ALL TIMES, A DIRECTION REGARDING DISCLOSURE  
23 USING AN ON-LINE TOOL OVERRIDES A CONTRARY DIRECTION BY THE USER  
24 IN A WILL, TRUST, POWER OF ATTORNEY, OR OTHER RECORD.

25 (2) IF A USER HAS NOT USED AN ON-LINE TOOL TO GIVE DIRECTION  
26 UNDER SUBSECTION (1) OF THIS SECTION OR IF THE CUSTODIAN HAS NOT  
27 PROVIDED AN ON-LINE TOOL, THE USER MAY ALLOW OR PROHIBIT IN A

1 WILL, TRUST, POWER OF ATTORNEY, OR OTHER RECORD, DISCLOSURE TO A  
2 FIDUCIARY OF SOME OR ALL OF THE USER'S DIGITAL ASSETS, INCLUDING  
3 THE CONTENT OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY  
4 THE USER.

5 (3) A USER'S DIRECTION UNDER SUBSECTION (1) OR (2) OF THIS  
6 SECTION OVERRIDES A CONTRARY PROVISION IN A TERMS-OF-SERVICE  
7 AGREEMENT THAT DOES NOT REQUIRE THE USER TO ACT AFFIRMATIVELY  
8 AND DISTINCTLY FROM THE USER'S ASSENT TO THE TERMS OF SERVICE.

9 **15-1-1505. Terms-of-service agreement.** (1) THIS PART 15 DOES  
10 NOT CHANGE OR IMPAIR A RIGHT OF A CUSTODIAN OR A USER UNDER A  
11 TERMS-OF-SERVICE AGREEMENT TO ACCESS AND USE DIGITAL ASSETS OF  
12 THE USER.

13 (2) THIS PART 15 DOES NOT GIVE A FIDUCIARY OR DESIGNATED  
14 RECIPIENT ANY NEW OR EXPANDED RIGHTS OTHER THAN THOSE HELD BY  
15 THE USER FOR WHOM, OR FOR WHOSE ESTATE, THE FIDUCIARY OR  
16 DESIGNATED RECIPIENT ACTS OR REPRESENTS.

17 (3) A FIDUCIARY'S OR DESIGNATED RECIPIENT'S ACCESS TO DIGITAL  
18 ASSETS MAY BE MODIFIED OR ELIMINATED BY A USER, BY FEDERAL LAW,  
19 OR BY A TERMS-OF-SERVICE AGREEMENT IF THE USER HAS NOT PROVIDED  
20 DIRECTION UNDER SECTION 15-1-1504.

21 **15-1-1506. Procedure for disclosing digital assets.** (1) WHEN  
22 DISCLOSING DIGITAL ASSETS OF A USER UNDER THIS PART 15, THE  
23 CUSTODIAN MAY AT ITS SOLE DISCRETION:

24 (a) GRANT A FIDUCIARY OR DESIGNATED RECIPIENT FULL ACCESS  
25 TO THE USER'S ACCOUNT;

26 (b) GRANT A FIDUCIARY OR DESIGNATED RECIPIENT PARTIAL  
27 ACCESS TO THE USER'S ACCOUNT SUFFICIENT TO PERFORM THE TASKS WITH

1 WHICH THE FIDUCIARY OR DESIGNATED RECIPIENT IS CHARGED; OR

2 (c) PROVIDE A FIDUCIARY OR DESIGNATED RECIPIENT A COPY IN A  
3 RECORD OF ANY DIGITAL ASSET THAT, ON THE DATE THE CUSTODIAN  
4 RECEIVED THE REQUEST FOR DISCLOSURE, THE USER COULD HAVE  
5 ACCESSED IF THE USER WERE ALIVE AND HAD FULL CAPACITY AND ACCESS  
6 TO THE ACCOUNT.

7 (2) A CUSTODIAN MAY ASSESS A REASONABLE ADMINISTRATIVE  
8 CHARGE FOR THE COST OF DISCLOSING DIGITAL ASSETS UNDER THIS PART  
9 15.

10 (3) A CUSTODIAN NEED NOT DISCLOSE UNDER THIS PART 15 A  
11 DIGITAL ASSET DELETED BY A USER.

12 (4) IF A USER DIRECTS OR A FIDUCIARY REQUESTS A CUSTODIAN TO  
13 DISCLOSE UNDER THIS PART 15 SOME, BUT NOT ALL, OF THE USER'S DIGITAL  
14 ASSETS, THE CUSTODIAN NEED NOT DISCLOSE THE ASSETS IF SEGREGATION  
15 OF THE ASSETS WOULD IMPOSE AN UNDUE BURDEN ON THE CUSTODIAN. IF  
16 THE CUSTODIAN BELIEVES THE DIRECTION OR REQUEST IMPOSES AN UNDUE  
17 BURDEN, THE CUSTODIAN OR FIDUCIARY MAY SEEK AN ORDER FROM THE  
18 COURT TO DISCLOSE:

19 (a) A SUBSET LIMITED BY DATE OF THE USER'S DIGITAL ASSETS;

20 (b) ALL OF THE USER'S DIGITAL ASSETS TO THE FIDUCIARY OR  
21 DESIGNATED RECIPIENT;

22 (c) NONE OF THE USER'S DIGITAL ASSETS; OR

23 (d) ALL OF THE USER'S DIGITAL ASSETS TO THE COURT FOR REVIEW  
24 IN CAMERA.

25 **15-1-1507. Disclosure of content of electronic communications**  
26 **of deceased user.** (1) IF A DECEASED USER CONSENTED OR A COURT  
27 DIRECTS DISCLOSURE OF THE CONTENTS OF ELECTRONIC COMMUNICATIONS



1 OF THE USER, THE CUSTODIAN SHALL DISCLOSE TO THE PERSONAL  
2 REPRESENTATIVE OF THE ESTATE OF THE USER THE CONTENT OF AN  
3 ELECTRONIC COMMUNICATION SENT OR RECEIVED BY THE USER IF THE  
4 REPRESENTATIVE GIVES THE CUSTODIAN:

5 (a) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR  
6 ELECTRONIC FORM;

7 (b) A CERTIFIED COPY OF THE DEATH CERTIFICATE OF THE USER;

8 (c) A CERTIFIED COPY OF THE LETTER OF APPOINTMENT OF THE  
9 REPRESENTATIVE OR A SMALL-ESTATE AFFIDAVIT OR COURT ORDER;

10 (d) UNLESS THE USER PROVIDED DIRECTION USING AN ON-LINE  
11 TOOL, A COPY OF THE USER'S WILL, TRUST, POWER OF ATTORNEY, OR  
12 OTHER RECORD EVIDENCING THE USER'S CONSENT TO DISCLOSURE OF THE  
13 CONTENT OF ELECTRONIC COMMUNICATIONS; AND

14 (e) IF REQUESTED BY THE CUSTODIAN:

15 (I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE  
16 SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO  
17 IDENTIFY THE USER'S ACCOUNT;

18 (II) EVIDENCE LINKING THE ACCOUNT TO THE USER; OR

19 (III) A FINDING BY THE COURT THAT:

20 (A) THE USER HAD A SPECIFIC ACCOUNT WITH THE CUSTODIAN,  
21 IDENTIFIABLE BY THE INFORMATION SPECIFIED IN SUBPARAGRAPH (I) OF  
22 THIS PARAGRAPH (e);

23 (B) DISCLOSURE OF THE CONTENT OF ELECTRONIC  
24 COMMUNICATIONS OF THE USER WOULD NOT VIOLATE 18 U.S.C. SEC. 2701,  
25 ET SEQ., AS AMENDED; 47 U.S.C. SEC. 222, AS AMENDED; OR OTHER  
26 APPLICABLE LAW;

27 (C) UNLESS THE USER PROVIDED DIRECTION USING AN ON-LINE

1 TOOL, THE USER CONSENTED TO DISCLOSURE OF THE CONTENT OF  
2 ELECTRONIC COMMUNICATIONS; OR

3 (D) DISCLOSURE OF THE CONTENT OF ELECTRONIC  
4 COMMUNICATIONS OF THE USER IS REASONABLY NECESSARY FOR  
5 ADMINISTRATION OF THE ESTATE.

6 **15-1-1508. Disclosure of other digital assets of deceased user.**

7 (1) UNLESS THE USER PROHIBITED DISCLOSURE OF DIGITAL ASSETS OR  
8 THE COURT DIRECTS OTHERWISE, A CUSTODIAN SHALL DISCLOSE TO THE  
9 PERSONAL REPRESENTATIVE OF THE ESTATE OF A DECEASED USER A  
10 CATALOG OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE  
11 USER AND DIGITAL ASSETS, OTHER THAN THE CONTENT OF ELECTRONIC  
12 COMMUNICATIONS, OF THE USER, IF THE REPRESENTATIVE GIVES THE  
13 CUSTODIAN:

14 (a) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR  
15 ELECTRONIC FORM;

16 (b) A CERTIFIED COPY OF THE DEATH CERTIFICATE OF THE USER;

17 (c) A CERTIFIED COPY OF THE LETTER OF APPOINTMENT OF THE  
18 REPRESENTATIVE OR A SMALL-ESTATE AFFIDAVIT OR COURT ORDER; AND

19 (d) IF REQUESTED BY THE CUSTODIAN:

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

23 (II) EVIDENCE LINKING THE ACCOUNT TO THE USER;

24 (III) AN AFFIDAVIT STATING THAT DISCLOSURE OF THE USER'S  
25 DIGITAL ASSETS IS REASONABLY NECESSARY FOR ADMINISTRATION OF THE  
26 ESTATE; OR

27 (IV) A FINDING BY THE COURT THAT:

1 (A) THE USER HAD A SPECIFIC ACCOUNT WITH THE CUSTODIAN,  
2 IDENTIFIABLE BY THE INFORMATION SPECIFIED IN SUBPARAGRAPH (I) OF  
3 THIS PARAGRAPH (d); OR

4 (B) DISCLOSURE OF THE USER'S DIGITAL ASSETS IS REASONABLY  
5 NECESSARY FOR ADMINISTRATION OF THE ESTATE.

6 **15-1-1509. Disclosure of content of electronic communications**

7 **of principal.** (1) TO THE EXTENT A POWER OF ATTORNEY EXPRESSLY  
8 GRANTS AN AGENT AUTHORITY OVER THE CONTENT OF ELECTRONIC  
9 COMMUNICATIONS SENT OR RECEIVED BY THE PRINCIPAL AND UNLESS  
10 DIRECTED OTHERWISE BY THE PRINCIPAL OR THE COURT, A CUSTODIAN  
11 SHALL DISCLOSE TO THE AGENT THE CONTENT IF THE AGENT GIVES THE  
12 CUSTODIAN:

13 (a) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR  
14 ELECTRONIC FORM;

15 (b) AN ORIGINAL OR COPY OF THE POWER OF ATTORNEY EXPRESSLY  
16 GRANTING THE AGENT AUTHORITY OVER THE CONTENT OF ELECTRONIC  
17 COMMUNICATIONS OF THE PRINCIPAL;

18 (c) A CERTIFICATION BY THE AGENT, UNDER PENALTY OF PERJURY,  
19 THAT THE POWER OF ATTORNEY IS IN EFFECT; AND

20 (d) IF REQUESTED BY THE CUSTODIAN:

21 (I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE  
22 SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO  
23 IDENTIFY THE PRINCIPAL'S ACCOUNT; OR

24 (II) EVIDENCE LINKING THE ACCOUNT TO THE PRINCIPAL.

25 **15-1-1510. Disclosure of other digital assets of principal.**

26 (1) UNLESS OTHERWISE ORDERED BY THE COURT, DIRECTED BY THE  
27 PRINCIPAL, OR PROVIDED BY A POWER OF ATTORNEY, A CUSTODIAN SHALL

1 DISCLOSE TO AN AGENT WITH SPECIFIC AUTHORITY OVER DIGITAL ASSETS  
2 OR GENERAL AUTHORITY TO ACT ON BEHALF OF A PRINCIPAL A CATALOG  
3 OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY THE PRINCIPAL  
4 AND DIGITAL ASSETS, OTHER THAN THE CONTENT OF ELECTRONIC  
5 COMMUNICATIONS, OF THE PRINCIPAL IF THE AGENT GIVES THE  
6 CUSTODIAN:

7 (a) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR  
8 ELECTRONIC FORM;

9 (b) AN ORIGINAL OR A COPY OF THE POWER OF ATTORNEY THAT  
10 GIVES THE AGENT SPECIFIC AUTHORITY OVER DIGITAL ASSETS OR GENERAL  
11 AUTHORITY TO ACT ON BEHALF OF THE PRINCIPAL;

12 (c) A CERTIFICATION BY THE AGENT, UNDER PENALTY OF PERJURY,  
13 THAT THE POWER OF ATTORNEY IS IN EFFECT; AND

14 (d) IF REQUESTED BY THE CUSTODIAN:

15 (I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE  
16 SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO  
17 IDENTIFY THE PRINCIPAL'S ACCOUNT; OR

18 (II) EVIDENCE LINKING THE ACCOUNT TO THE PRINCIPAL.

19 **15-1-1511. Disclosure of digital assets held in trust when**  
20 **trustee is original user.** UNLESS OTHERWISE ORDERED BY THE COURT OR  
21 PROVIDED IN A TRUST, A CUSTODIAN SHALL DISCLOSE TO A TRUSTEE THAT  
22 IS AN ORIGINAL USER OF AN ACCOUNT ANY DIGITAL ASSET OF THE  
23 ACCOUNT HELD IN TRUST, INCLUDING A CATALOG OF ELECTRONIC  
24 COMMUNICATIONS OF THE TRUSTEE AND THE CONTENT OF ELECTRONIC  
25 COMMUNICATIONS.

26 **15-1-1512. Disclosure of contents of electronic**  
27 **communications held in trust when trustee not original user.**

1 (1) UNLESS OTHERWISE ORDERED BY THE COURT, DIRECTED BY THE USER,  
2 OR PROVIDED IN A TRUST, A CUSTODIAN SHALL DISCLOSE TO A TRUSTEE  
3 THAT IS NOT AN ORIGINAL USER OF AN ACCOUNT THE CONTENT OF AN  
4 ELECTRONIC COMMUNICATION SENT OR RECEIVED BY AN ORIGINAL OR  
5 SUCCESSOR USER AND CARRIED, MAINTAINED, PROCESSED, RECEIVED, OR  
6 STORED BY THE CUSTODIAN IN THE ACCOUNT OF THE TRUST IF THE  
7 TRUSTEE GIVES THE CUSTODIAN:

8 (a) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR  
9 ELECTRONIC FORM;

10 (b) A CERTIFIED COPY OF THE TRUST INSTRUMENT OR A  
11 REGISTRATION OF THE TRUST UNDER PART 1 OF ARTICLE 16 OF THIS TITLE  
12 THAT INCLUDES CONSENT TO DISCLOSURE OF THE CONTENT OF  
13 ELECTRONIC COMMUNICATIONS TO THE TRUSTEE;

14 (c) A CERTIFICATION BY THE TRUSTEE, UNDER PENALTY OF  
15 PERJURY, THAT THE TRUST EXISTS AND THE TRUSTEE IS A CURRENTLY  
16 ACTING TRUSTEE OF THE TRUST; AND

17 (d) IF REQUESTED BY THE CUSTODIAN:

18 (I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE  
19 SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO  
20 IDENTIFY THE TRUST'S ACCOUNT; OR

21 (II) EVIDENCE LINKING THE ACCOUNT TO THE TRUST.

22 **15-1-1513. Disclosure of other digital assets held in trust when**  
23 **trustee not original user.** (1) UNLESS OTHERWISE ORDERED BY THE  
24 COURT, DIRECTED BY THE USER, OR PROVIDED IN A TRUST, A CUSTODIAN  
25 SHALL DISCLOSE, TO A TRUSTEE THAT IS NOT AN ORIGINAL USER OF AN  
26 ACCOUNT, A CATALOG OF ELECTRONIC COMMUNICATIONS SENT OR  
27 RECEIVED BY AN ORIGINAL OR SUCCESSOR USER AND STORED, CARRIED, OR

1 MAINTAINED BY THE CUSTODIAN IN AN ACCOUNT OF THE TRUST AND ANY  
2 DIGITAL ASSETS, OTHER THAN THE CONTENT OF ELECTRONIC  
3 COMMUNICATIONS, IN WHICH THE TRUST HAS A RIGHT OR INTEREST IF THE  
4 TRUSTEE GIVES THE CUSTODIAN:

5 (a) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR  
6 ELECTRONIC FORM;

7 (b) A CERTIFIED COPY OF THE TRUST INSTRUMENT OR A  
8 REGISTRATION OF THE TRUST UNDER PART 1 OF ARTICLE 16 OF THIS TITLE;

9 (c) A CERTIFICATION BY THE TRUSTEE, UNDER PENALTY OF  
10 PERJURY, THAT THE TRUST EXISTS AND THE TRUSTEE IS A CURRENTLY  
11 ACTING TRUSTEE OF THE TRUST; AND

12 (d) IF REQUESTED BY THE CUSTODIAN:

13 (I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE  
14 SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO  
15 IDENTIFY THE TRUST'S ACCOUNT; OR

16 (II) EVIDENCE LINKING THE ACCOUNT TO THE TRUST.

17 **15-1-1514. Disclosure of digital assets to conservator of**  
18 **protected person.** (1) AFTER AN OPPORTUNITY FOR A HEARING UNDER  
19 ARTICLE 14 OF THIS TITLE, THE COURT MAY GRANT A CONSERVATOR  
20 ACCESS TO THE DIGITAL ASSETS OF A PROTECTED PERSON.

21 (2) UNLESS OTHERWISE ORDERED BY THE COURT OR DIRECTED BY  
22 THE USER, A CUSTODIAN SHALL DISCLOSE TO A CONSERVATOR THE  
23 CATALOG OF ELECTRONIC COMMUNICATIONS SENT OR RECEIVED BY A  
24 PROTECTED PERSON AND ANY DIGITAL ASSETS, OTHER THAN THE CONTENT  
25 OF ELECTRONIC COMMUNICATIONS, IN WHICH THE PROTECTED PERSON HAS  
26 A RIGHT OR INTEREST IF THE CONSERVATOR GIVES THE CUSTODIAN:

27 (a) A WRITTEN REQUEST FOR DISCLOSURE IN PHYSICAL OR

1 ELECTRONIC FORM;

2 (b) A CERTIFIED COPY OF THE COURT ORDER THAT GIVES THE  
3 CONSERVATOR AUTHORITY OVER THE DIGITAL ASSETS OF THE PROTECTED  
4 PERSON; AND

5 (c) IF REQUESTED BY THE CUSTODIAN:

6 (I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE  
7 SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO  
8 IDENTIFY THE ACCOUNT OF THE PROTECTED PERSON; OR

9 (II) EVIDENCE LINKING THE ACCOUNT TO THE PROTECTED PERSON.

10 (3) A CONSERVATOR WITH GENERAL AUTHORITY TO MANAGE THE  
11 ASSETS OF A PROTECTED PERSON MAY REQUEST A CUSTODIAN OF THE  
12 DIGITAL ASSETS OF THE PROTECTED PERSON TO SUSPEND OR TERMINATE  
13 AN ACCOUNT OF THE PROTECTED PERSON FOR GOOD CAUSE. A REQUEST  
14 MADE UNDER THIS SECTION MUST BE ACCOMPANIED BY A CERTIFIED COPY  
15 OF THE COURT ORDER GIVING THE CONSERVATOR AUTHORITY OVER THE  
16 PROTECTED PERSON'S PROPERTY.

17 **15-1-1515. Fiduciary duty and authority.** (1) THE LEGAL  
18 DUTIES IMPOSED ON A FIDUCIARY CHARGED WITH MANAGING TANGIBLE  
19 PROPERTY APPLY TO THE MANAGEMENT OF DIGITAL ASSETS, INCLUDING:

20 (a) THE DUTY OF CARE;

21 (b) THE DUTY OF LOYALTY; AND

22 (c) THE DUTY OF CONFIDENTIALITY.

23 (2) A FIDUCIARY'S OR DESIGNATED RECIPIENT'S AUTHORITY WITH  
24 RESPECT TO A DIGITAL ASSET OF A USER:

25 (a) EXCEPT AS OTHERWISE PROVIDED IN SECTION 15-1-1504, IS  
26 SUBJECT TO THE APPLICABLE TERMS OF SERVICE;

27 (b) IS SUBJECT TO OTHER APPLICABLE LAW, INCLUDING COPYRIGHT

1 LAW;

2 (c) IN THE CASE OF A FIDUCIARY, IS LIMITED BY THE SCOPE OF THE  
3 FIDUCIARY'S DUTIES; AND

4 (d) MAY NOT BE USED TO IMPERSONATE THE USER.

5 (3) A FIDUCIARY WITH AUTHORITY OVER THE PROPERTY OF A  
6 DECEDENT, PROTECTED PERSON, PRINCIPAL, OR SETTLOR HAS THE RIGHT  
7 TO ACCESS ANY DIGITAL ASSET IN WHICH THE DECEDENT, PROTECTED  
8 PERSON, PRINCIPAL, OR SETTLOR HAD A RIGHT OR INTEREST AND THAT IS  
9 NOT HELD BY A CUSTODIAN OR SUBJECT TO A TERMS-OF-SERVICE  
10 AGREEMENT.

11 (4) A FIDUCIARY ACTING WITHIN THE SCOPE OF THE FIDUCIARY'S  
12 DUTIES IS AN AUTHORIZED USER OF THE PROPERTY OF THE DECEDENT,  
13 PROTECTED PERSON, PRINCIPAL, OR SETTLOR FOR THE PURPOSE OF  
14 APPLICABLE COMPUTER-FRAUD AND UNAUTHORIZED-COMPUTER-ACCESS  
15 LAWS, INCLUDING ARTICLE 5.5 OF TITLE 18, C.R.S.

16 (5) A FIDUCIARY WITH AUTHORITY OVER THE TANGIBLE, PERSONAL  
17 PROPERTY OF A DECEDENT, PROTECTED PERSON, PRINCIPAL, OR SETTLOR:

18 (a) HAS THE RIGHT TO ACCESS THE PROPERTY AND ANY DIGITAL  
19 ASSET STORED IN IT; AND

20 (b) IS AN AUTHORIZED USER FOR THE PURPOSE OF  
21 COMPUTER-FRAUD AND UNAUTHORIZED-COMPUTER-ACCESS LAWS,  
22 INCLUDING ARTICLE 5.5 OF TITLE 18, C.R.S.

23 (6) A CUSTODIAN MAY DISCLOSE INFORMATION IN AN ACCOUNT TO  
24 A FIDUCIARY OF THE USER WHEN THE INFORMATION IS REQUIRED TO  
25 TERMINATE AN ACCOUNT USED TO ACCESS DIGITAL ASSETS LICENSED TO  
26 THE USER.

27 (7) A FIDUCIARY OF A USER MAY REQUEST A CUSTODIAN TO



1 TERMINATE THE USER'S ACCOUNT. A REQUEST FOR TERMINATION MUST BE  
2 IN WRITING, IN EITHER PHYSICAL OR ELECTRONIC FORM, AND  
3 ACCOMPANIED BY:

4 (a) IF THE USER IS DECEASED, A CERTIFIED COPY OF THE DEATH  
5 CERTIFICATE OF THE USER;

6 (b) A CERTIFIED COPY OF THE LETTER OF APPOINTMENT OF THE  
7 REPRESENTATIVE OR A SMALL-ESTATE AFFIDAVIT OR COURT ORDER,  
8 COURT ORDER, POWER OF ATTORNEY, OR TRUST GIVING THE FIDUCIARY  
9 AUTHORITY OVER THE ACCOUNT; AND

10 (c) IF REQUESTED BY THE CUSTODIAN:

11 (I) A NUMBER, USERNAME, ADDRESS, OR OTHER UNIQUE  
12 SUBSCRIBER OR ACCOUNT IDENTIFIER ASSIGNED BY THE CUSTODIAN TO  
13 IDENTIFY THE USER'S ACCOUNT;

14 (II) EVIDENCE LINKING THE ACCOUNT TO THE USER; OR

15 (III) A FINDING BY THE COURT THAT THE USER HAD A SPECIFIC  
16 ACCOUNT WITH THE CUSTODIAN, IDENTIFIABLE BY THE INFORMATION  
17 SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c).

18 (8) A DOMICILIARY FOREIGN PERSONAL REPRESENTATIVE IS NOT  
19 REQUIRED TO COMPLY WITH THE PROVISIONS OF SECTION 15-13-204, OR  
20 WITH ANY OTHER PROVISION OF ARTICLE 13 OF THIS TITLE, AS A CONDITION  
21 TO OBTAINING DISCLOSURE OF A DIGITAL ASSET PURSUANT TO THIS PART  
22 15.

23 (9) A FOREIGN CONSERVATOR IS NOT REQUIRED TO COMPLY WITH  
24 THE PROVISIONS OF SECTION 15-14-433 AS A CONDITION TO OBTAINING  
25 DISCLOSURE OF A DIGITAL ASSET PURSUANT TO THIS PART 15.

26 **15-1-1516. Custodian compliance and immunity.** (1) NOT  
27 LATER THAN SIXTY DAYS AFTER RECEIPT OF THE INFORMATION REQUIRED

1 UNDER SECTIONS 15-1-1507 TO 15-1-1515, A CUSTODIAN SHALL COMPLY  
2 WITH A REQUEST UNDER THIS PART 15 FROM A FIDUCIARY OR DESIGNATED  
3 RECIPIENT TO DISCLOSE DIGITAL ASSETS OR TERMINATE AN ACCOUNT. IF  
4 THE CUSTODIAN FAILS TO COMPLY, THE FIDUCIARY OR DESIGNATED  
5 RECIPIENT MAY APPLY TO THE COURT FOR AN ORDER DIRECTING  
6 COMPLIANCE.

7 (2) AN ORDER UNDER SUBSECTION (1) OF THIS SECTION DIRECTING  
8 COMPLIANCE MUST CONTAIN A FINDING THAT COMPLIANCE IS NOT IN  
9 VIOLATION OF 18 U.S.C. SEC. 2702, AS AMENDED.

10 (3) A CUSTODIAN MAY NOTIFY THE USER THAT A REQUEST FOR  
11 DISCLOSURE OR TO TERMINATE AN ACCOUNT WAS MADE UNDER THIS PART  
12 15.

13 (4) A CUSTODIAN MAY DENY A REQUEST UNDER THIS PART 15  
14 FROM A FIDUCIARY OR DESIGNATED RECIPIENT FOR DISCLOSURE OF  
15 DIGITAL ASSETS OR TO TERMINATE AN ACCOUNT IF THE CUSTODIAN IS  
16 AWARE OF ANY LAWFUL ACCESS TO THE ACCOUNT FOLLOWING THE  
17 RECEIPT OF THE FIDUCIARY'S REQUEST.

18 (5) THIS PART 15 DOES NOT LIMIT A CUSTODIAN'S ABILITY TO  
19 OBTAIN, OR TO REQUIRE A FIDUCIARY OR DESIGNATED RECIPIENT  
20 REQUESTING DISCLOSURE OR TERMINATION UNDER THIS PART 15 TO  
21 OBTAIN, A COURT ORDER THAT:

22 (a) SPECIFIES THAT AN ACCOUNT BELONGS TO THE PROTECTED  
23 PERSON OR PRINCIPAL;

24 (b) SPECIFIES THAT THERE IS SUFFICIENT CONSENT FROM THE  
25 PROTECTED PERSON OR PRINCIPAL TO SUPPORT THE REQUESTED  
26 DISCLOSURE; AND

27 (c) CONTAINS A FINDING REQUIRED BY LAW OTHER THAN THIS

1 PART 15.

2 (6) A CUSTODIAN AND ITS OFFICERS, EMPLOYEES, AND AGENTS ARE  
3 IMMUNE FROM LIABILITY FOR AN ACT OR OMISSION DONE IN GOOD FAITH  
4 IN COMPLIANCE WITH THIS PART 15.

5 **15-1-1517. Uniformity of application and construction.** IN  
6 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE  
7 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT  
8 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

9 **15-1-1518. Relation to electronic signatures in global and**  
10 **national commerce act.** THIS PART 15 MODIFIES, LIMITS, OR SUPERSEDES  
11 THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
12 COMMERCE ACT", 15 U.S.C. SEC. 7001, ET SEQ., BUT DOES NOT MODIFY,  
13 LIMIT, OR SUPERSEDE SECTION 101(c) OF THAT ACT, 15 U.S.C. SEC.  
14 7001(c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES  
15 DESCRIBED IN SECTION 103(b) OF THAT ACT, 15 U.S.C. SEC. 7003(b).

16 **SECTION 2. Inclusion of official comments.** The revisor shall  
17 include in the publication of the "Revised Uniform Fiduciary Access to  
18 Digital Assets Act", as nonstatutory matter, following each section of the  
19 part, the full text of the official comments to that section contained in the  
20 official volume containing the 2015 official text of "Revised Uniform  
21 Fiduciary Access to Digital Assets Act" issued by the Uniform Law  
22 Commission, with any changes in the official comments or Colorado  
23 comments to correspond to Colorado changes in the uniform act. The  
24 revisor of statutes shall prepare the comments for approval by the  
25 committee on legal services for publication.

26 **SECTION 3. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August  
2 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
3 referendum petition is filed pursuant to section 1 (3) of article V of the  
4 state constitution against this act or an item, section, or part of this act  
5 within such period, then the act, item, section, or part will not take effect  
6 unless approved by the people at the general election to be held in  
7 November 2016 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.