

Honolulu, Hawaii

March 18, 2016

RE: S.B. No. 2298
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2298, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT,"

begs leave to report as follows:

The purpose of this measure to adopt the Uniform Fiduciary Access to Digital Assets Act (2015).

Specifically, this measure:

- (1) Authorizes an internet services user to establish a plan for the management and disposition of the user's electronic records, known as digital assets, following the user's death or incapacity;
- (2) Establishes procedures for custodians of digital assets to disclose users' digital assets;
- (3) Provides limitations of how digital assets may be used by a fiduciary following a user's death or incapacity; and
- (4) Grants immunity to custodians of records for compliance with the Act.



Your Committee received testimony in support of this measure from the Commission to Promote Uniform Legislation and the State Privacy and Security Coalition, Inc.

Your Committee finds that the Uniform Fiduciary Access to Digital Assets Act provides internet services users with the power to manage and dispose of digital assets, following death or incapacity, in a manner similar to management and disposition of a person's tangible personal property. Your Committee believes that this measure provides a reasonable compromise to accommodate the needs of fiduciaries in settling and administering estates while respecting users' privacy.

Your Committee has amended this measure by changing the effective date to July 1, 2112, to facilitate further discussion.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2298, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2298, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ANGUS L.K. MCKELVEY, Chair



