

§10-102. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings. [PL 2019, c. 417, Pt. A, §107 (NEW).]

1. Account. "Account" means an arrangement under a terms of service agreement in which a custodian carries, maintains, processes, receives or stores a digital asset of a user or provides goods or services to a user.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

2. Agent. "Agent" means an attorney in fact granted authority under a durable or nondurable power of attorney.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

3. Carries. "Carries" means engages in the transmission of an electronic communication.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

4. Catalog of electronic communications. "Catalog of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication and the electronic address of the person.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

5. Conservator. "Conservator" means a person appointed by a court to manage the estate of a living individual. "Conservator" includes a limited conservator and a guardian exercising the powers of a conservator when a conservator has not been appointed.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

6. Content of an electronic communication. "Content of an electronic communication" means information concerning the substance or meaning of an electronic communication that:

A. Has been sent or received by a user; [PL 2019, c. 417, Pt. A, §107 (NEW).]

B. Is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and [PL 2019, c. 417, Pt. A, §107 (NEW).]

C. Is not readily accessible to the public. [PL 2019, c. 417, Pt. A, §107 (NEW).]

[PL 2019, c. 417, Pt. A, §107 (NEW).]

7. Custodian. "Custodian" means a person that carries, maintains, processes, receives or stores a digital asset of a user.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

8. Designated recipient. "Designated recipient" means a person chosen by a user using an online tool to administer digital assets of the user.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

9. Digital asset. "Digital asset" means an electronic record in which an individual has a right or interest. "Digital asset" does not include an underlying asset or liability unless the asset or liability is itself an electronic record.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

10. Electronic. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

11. Electronic communication "Electronic communication" has the same meaning as in 18 United States Code, Section 2510(12).

[PL 2019, c. 417, Pt. A, §107 (NEW).]

12. Electronic communication service. "Electronic communication service" means a service that provides to a user the ability to send or receive an electronic communication.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

13. Fiduciary. "Fiduciary" means an original, additional or successor personal representative, conservator, agent or trustee.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

14. Information. "Information" means data, text, images, videos, sounds, codes, computer programs, software and databases or the like.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

15. Online tool. "Online tool" means an electronic service provided by a custodian that allows a user, in an agreement distinct from the terms of service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a 3rd person.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

16. Person. "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

17. Personal representative. "Personal representative" means an executor, administrator, special administrator or person that performs substantially the same function under the laws of this State other than this Act and a person claiming to be a successor of the decedent user who presents an affidavit under section 3-1201.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

18. Power of attorney. "Power of attorney" means a record that grants an agent authority to act in the place of a principal.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

19. Principal. "Principal" means an individual who grants authority to an agent in a power of attorney.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

20. Protected person. "Protected person" means an individual for whom a conservator has been appointed. "Protected person" includes an individual for whom an application for the appointment of a conservator is pending and an individual for whom a guardian has been appointed, when no conservator has been appointed.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

21. Record. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

22. Remote computing service. "Remote computing service" means a service that provides to a user computer processing services or the storage of digital assets by means of an electronic communications system as defined in 18 United States Code, Section 2510(14).

[PL 2019, c. 417, Pt. A, §107 (NEW).]

23. Terms of service agreement. "Terms of service agreement" means an agreement, as defined in Title 11, section 1-1201, subsection (3), that controls the relationship between a user and a custodian.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

24. Trustee. "Trustee" means a fiduciary with legal title to property pursuant to an agreement or declaration that creates a beneficial interest in another person. "Trustee" includes a successor trustee.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

25. User. "User" means a person that has an account with a custodian.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

26. Will. "Will" includes a codicil, a testamentary instrument that only appoints an executor and an instrument that revokes or revises a testamentary instrument.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

SECTION HISTORY

PL 2019, c. 417, Pt. A, §107 (NEW).

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