

STAND. COM. REP. NO.

556

Honolulu, Hawaii

February 20, 2015

RE: H.B. No. 745
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which
was referred H.B. No. 745 entitled:

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

begs leave to report as follows:

The purpose of this measure, as received by your Committee,
is to remove the uncertainty of what happens to a person's online
assets when the person dies and to provide the personal
representative of the person's will with access to the person's
online accounts when the passwords are not in the personal
representative's possession.

The Commission to Promote Uniform Legislation testified in
support of this measure. The American Civil Liberties Union,
Uniform Law Commission, and State Privacy & Security Coalition
testified in opposition to this measure.

Your Committee has amended this measure by deleting its
contents and inserting provisions from the Uniform Fiduciary
Access to Digital Assets Act. As amended, this measure:

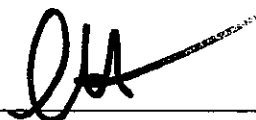
- (1) Specifies that the new chapter be cited as the Uniform
Fiduciary Access to Digital Assets Act;



- (2) Amends, adds, and removes definitions to conform to the Uniform Law Commission's approved Uniform Fiduciary Access to Digital Assets Act;
- (3) Specifies who the Uniform Fiduciary Access to Digital Assets Act applies to;
- (4) Clarifies access by a personal representative, conservator, agent, or trustee to digital assets of a decedent;
- (5) Clarifies fiduciary authority relative to digital assets;
- (6) Clarifies compliance requirements relative to custodians;
- (7) Specifies that a custodian and its officers, employees, and agents are immune from liability for an act or omission done in good faith in compliance with the Uniform Fiduciary Access to Digital Assets Act;
- (8) Clarifies the relationship between the Uniform Fiduciary Access to Digital Assets Act and the federal Electronic Signatures in Global and National Commerce Act; and
- (9) Changes the effective date to July 1, 2112, to encourage 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 H.B. No. 745, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 745, H.D. 1, and be referred to the Committee on Judiciary.

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



ANGUS L.K. MCKELVEY, Chair



HSR 556

| Bill/Resolution No.: HB 745 | Committee Referral: CPC, JUD | Date: 02/18/15 | | |
|---|--|--------------------------|------|----------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| CPC Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. McKELVEY, Angus L.K. (C) | ✓ | | | |
| 2. WOODSON, Justin H. (VC) | ✓ | | | |
| 3. BELATTI, Della Au | ✓ | | | |
| 4. BROWER, Tom | ✓ | | | |
| 5. CREAGAN, Richard P. | ✓ | | | |
| 6. HAR, Sharon E. | ✓ | | | |
| 7. HASHEM, Mark J. | ✓ | | | |
| 8. KAWAKAMI, Derek S.K. | | | | ✓ |
| 9. LEE, Chris | ✓ | | | |
| 10. NAKASHIMA, Mark M. | ✓ | | | |
| 11. OSHIRO, Marcus R. | ✓ | | | |
| 12. SAN BUENAVENTURA, Joy A. | ✓ | | | |
| 13. TAKAYAMA, Gregg | ✓ | | | |
| 14. YAMANE, Ryan I. | ✓ | | | |
| 15. FUKUMOTO CHANG, Beth | ✓ | | | |
| 16. MCDERMOTT, Bob | ✓ | | | |
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| TOTAL (16) | 15 | | | 1 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature: _____ | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |