STAND. COM. REP. NO. 103 -16

Honolulu, Hawaii MARCA 13 , 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:

- 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.



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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



## State of Hawaii House of Representatives **HSCR 1103-14** The Twenty-eighth Legislature

## **Record of Votes of the Committee on Consumer Protection & Commerce**

Bill/Resolution No.: SB 2298 SD	Committee		Date:	3-16-	-16
SB 2298 SDI CPC, JUD, FIN S-10-10.   In The committee is reconsidering its previous decision on the measure.					
The recommendation is to:   □   Pass, unamended (as is)   □   Pass, with amendments (HD)   □   Hold     □   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.		1			
7. HASHEM, Mark J.		/			•
8. KAWAKAMI, Derek S.K.		/			
9. LEE, Chris					/
10. NAKASHIMA, Mark M.					
11. OSHIRO, Marcus R.	·	/			
12. SAN BUENAVENTURA, Jo	by A.	1			
13. TAKAYAMA, Gregg		/			
14. YAMANE, Ryan I.					
15. FUKUMOTO CHANG, Bet	h	/			
16. McDERMOTT, Bob					
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					····
TOTAL (16)		11	0	0	5
The recommendation is: Adopted 🛛 Not Adopted					
If joint referral, did not support recommendation.					
Vice Chair's or designee's signature:					
Distribution: Original (White) - Committee Durficate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO					