

STAND. COM. REP. NO.

2124

Honolulu, Hawaii

FEB 11 2016

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

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2298 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to adopt a revised
version of the Uniform Fiduciary Access to Digital Assets Act,
which provides authority to plan for the management and
disposition of digital assets.

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

Your Committee finds that since last year, the Uniform Law
Commission has worked to address concerns raised by internet
service providers and privacy advocates over the original Uniform
Fiduciary Access to Digital Assets Act, which the Uniform Law
Commission first adopted in 2014. As a result of those efforts,
the Uniform Law Commission has since adopted a revised version of
the Uniform Fiduciary Access to Digital Assets Act.

Your Committee further finds that the Revised Uniform
Fiduciary Access to Digital Assets Act is intended to modernize
fiduciary law for the Internet Age. Access to a person's digital
property and electronic communications, also known as digital
assets, is usually governed by a terms-of-service agreement rather



than by property law. Issues may arise when Internet users die or otherwise lose the ability to manage their own digital assets. Accordingly, the Revised Uniform Fiduciary Access to Digital Assets Act, which this measure proposes to adopt, provides Internet users with the ability and authority to plan for the management and disposition of their digital assets, in a manner similar to the process for management and disposition of tangible property.

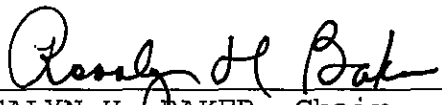
Your Committee additionally finds that the Uniform Law Commission's Executive Committee has recently adopted certain technical amendments to the Revised Uniform Fiduciary Access to Digital Assets Act. Amendments to this measure are therefore necessary to incorporate these suggested amendments.

Your Committee has amended this measure by incorporating amendments suggested by the Commission to Promote Uniform Legislation, which:

- (1) Clarify that designated recipients and fiduciaries are obligated to follow copyright law; and
- (2) Corrects an internal reference.

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

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


ROSALYN H. BAKER, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2298</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">CPH, JDL/WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2-5-16</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
KIDANI, Michelle N. (VC)	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
NISHIHARA, Clarence K.				/
RUDERMAN, Russell E.				/
SLOM, Sam	/			
TOTAL	5			2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.2em; font-family: cursive; margin-left: 20px;">Michelle N. Kidani</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 2px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes