

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3711

By: Kannady

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5  
6 AS INTRODUCED

7 An Act relating to assets; creating the Uniform  
8 Fiduciary Access to Digital Assets Act; providing  
9 short title; defining terms; providing for  
10 application of the act to certain persons; providing  
11 exception; authorizing certain persons to disclose  
12 digital assets; providing effect of terms-of-service  
13 agreements for users of online tools; specifying  
14 methods a custodian of digital assets may authorize  
15 access; allowing charges for certain costs; providing  
16 method of disclosure of electronic communications of  
17 deceased user; providing alternate method of  
18 disclosure of digital assets of deceased user;  
19 specifying method of disclosure of digital assets to  
20 an agent of principal; providing alternate method;  
21 specifying method of disclosure of digital assets  
22 when held in trust; providing alternate method;  
23 specifying method of disclosure of digital assets to  
24 a conservator; stating fiduciary duties to apply to  
management of digital assets; providing scope of  
fiduciary duties; providing method of terminating  
certain accounts; providing method of compliance upon  
digital asset request; allowing for certain  
notification; allowing for denial of request under  
certain conditions; providing for immunity of  
liability; clarifying implication of act to federal  
laws; providing for codification; and providing an  
effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1091.1 of Title 58, unless there  
3 is created a duplication in numbering, reads as follows:

4 SHORT TITLE. This act shall be known and may be cited as the  
5 "Uniform Fiduciary Access to Digital Assets Act".

6 SECTION 2. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1091.2 of Title 58, unless there  
8 is created a duplication in numbering, reads as follows:

9 DEFINITIONS. In the Uniform Fiduciary Access to Digital Assets  
10 Act:

11 1. "Absentee" means an individual for whom a conservator has  
12 been appointed. The term includes an individual for whom an  
13 application for the appointment of a conservator is pending;

14 2. "Account" means an arrangement under a terms-of-service  
15 agreement in which a custodian carries, maintains, processes,  
16 receives or stores a digital asset of the user or provides goods or  
17 services to the user;

18 3. "Agent" means an attorney-in-fact granted authority under a  
19 durable or nondurable power of attorney;

20 4. "Carries" means engages in the transmission of an electronic  
21 communication;

22 5. "Catalogue of electronic communications" means information  
23 that identifies each person with which a user has had an electronic  
24

1 communication, the time and date of the communication and the  
2 electronic address of the person;

3 6. "Conservator" means a person appointed by a court pursuant  
4 to Section 362 of Title 60 of the Oklahoma Statutes to manage the  
5 estate of a living individual. The term includes a limited  
6 conservator;

7 7. "Content of an electronic communication" means information  
8 concerning the substance or meaning of the communication which:

- 9 a. has been sent or received by a user,
- 10 b. is in electronic storage by a custodian providing an  
11 electronic communication service to the public or is  
12 carried or maintained by a custodian providing a  
13 remote computing service to the public, and
- 14 c. is not readily accessible to the public;

15 8. "Court" means the district courts of the State of Oklahoma;

16 9. "Custodian" means a person that carries, maintains,  
17 processes, receives or stores a digital asset of a user;

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

20 11. "Digital asset" means an electronic record in which an  
21 individual has a right or interest. The term does not include an  
22 underlying asset or liability unless the asset or liability is  
23 itself an electronic record;

24

1       12. "Electronic" means relating to technology having  
2 electrical, digital, magnetic, wireless, optical, electromagnetic or  
3 similar capabilities;

4       13. "Electronic communication" has the meaning set forth in 18  
5 U.S.C., Section 2510(12), as amended;

6       14. "Electronic communication service" means a custodian that  
7 provides to a user the ability to send or receive an electronic  
8 communication;

9       15. "Fiduciary" means an original, additional or successor  
10 personal representative, conservator, agent or trustee;

11       16. "Information" means data, text, images, videos, sounds,  
12 codes, computer programs, software, databases or the like;

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

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

21       19. "Personal representative" means an executor, administrator,  
22 special administrator or person that performs substantially the same  
23 function under law of this state other than the Uniform Fiduciary  
24 Access to Digital Assets Act;

1       20. "Power of attorney" means a record that grants an agent  
2 authority to act in the place of a principal;

3       21. "Principal" means an individual who grants authority to an  
4 agent in a power of attorney;

5       22. "Record" means information that is inscribed on a tangible  
6 medium or that is stored in an electronic or other medium and is  
7 retrievable in perceivable form;

8       23. "Remote computing service" means a custodian that provides  
9 to a user computer-processing services or the storage of digital  
10 assets by means of an electronic communications system, as defined  
11 in 18 U.S.C., Section 2510(14), as amended;

12       24. "Terms of service agreement" means an agreement that  
13 controls the relationship between a user and a custodian;

14       25. "Trustee" means a fiduciary with legal title to property  
15 under an agreement or declaration that creates a beneficial interest  
16 in another. The term includes a successor trustee;

17       26. "User" means a person that has an account with a custodian;  
18 and

19       27. "Will" includes a codicil, testamentary instrument that  
20 only appoints an executor and instrument that revokes or revises a  
21 testamentary instrument.

22       SECTION 3.       NEW LAW       A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1091.3 of Title 58, unless there  
24 is created a duplication in numbering, reads as follows:

1 APPLICABILITY.

2 A. The Uniform Fiduciary Access to Digital Assets Act applies  
3 to:

4 1. A fiduciary acting under a will or power of attorney  
5 executed before, on or after November 1, 2020;

6 2. A personal representative acting for a decedent who died  
7 before, on, or after November 1, 2020;

8 3. A conservatorship proceeding commenced before, on or after  
9 November 1, 2020; and

10 4. A trustee acting under a trust created before, on or after  
11 November 1, 2020.

12 B. The Uniform Fiduciary Access to Digital Assets Act applies  
13 to a custodian if the user resides in this state or resided in this  
14 state at the time of the user's death.

15 C. The Uniform Fiduciary Access to Digital Assets Act does not  
16 apply to a digital asset of an employer used by an employee in the  
17 ordinary course of the employer's business.

18 SECTION 4. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1091.4 of Title 58, unless there  
20 is created a duplication in numbering, reads as follows:

21 USER DIRECTION FOR DISCLOSURE OF DIGITAL ASSETS.

22 A. A user may use an online tool to direct the custodian to  
23 disclose or not to disclose some or all of the user's digital  
24 assets, including the content of electronic communications. If the

1 online tool allows the user to modify or delete a direction at all  
2 times, a direction regarding disclosure using an online tool  
3 overrides a contrary direction by the user in a will, trust, power  
4 of attorney or other record.

5 B. If a user has not used an online tool to give direction  
6 under subsection A of this section or if the custodian has not  
7 provided an online tool, the user may allow or prohibit in a will,  
8 trust, power of attorney or other record, disclosure to a fiduciary  
9 of some or all of the user's digital assets, including the content  
10 of electronic communications sent or received by the user.

11 C. A user's direction under subsection A or B of this section  
12 overrides a contrary provision in a terms-of-service agreement that  
13 does not require the user to act affirmatively and distinctly from  
14 the user's assent to the terms of service.

15 SECTION 5. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1091.5 of Title 58, unless there  
17 is created a duplication in numbering, reads as follows:

18 TERMS OF SERVICE AGREEMENT.

19 A. The Uniform Fiduciary Access to Digital Assets Act does not  
20 change or impair a right of a custodian or a user under a terms-of-  
21 service agreement to access and use digital assets of the user.

22 B. This act does not give a fiduciary or designated recipient  
23 any new or expanded rights other than those held by the user for  
24

1 whom, or for whose estate, the fiduciary or designated recipient  
2 acts or represents.

3 C. A fiduciary's or designated recipient's access to digital  
4 assets may be modified or eliminated by a user, by federal law or by  
5 a terms-of-service agreement if the user has not provided direction  
6 under Section 4 of this act.

7 SECTION 6. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1091.6 of Title 58, unless there  
9 is created a duplication in numbering, reads as follows:

10 PROCEDURE FOR DISCLOSING DIGITAL ASSETS.

11 A. When disclosing digital assets of a user under the Uniform  
12 Fiduciary Access to Digital Assets Act, the custodian may at its  
13 sole discretion:

14 1. Grant a fiduciary or designated recipient full access to the  
15 user's account;

16 2. Grant a fiduciary or designated recipient partial access to  
17 the user's account sufficient to perform the tasks with which the  
18 fiduciary or designated recipient is charged; or

19 3. Provide a fiduciary or designated recipient a copy in a  
20 record of any digital asset that, on the date the custodian received  
21 the request for disclosure, the user could have accessed if the user  
22 were alive and had full capacity and access to the account.

23 B. A custodian may assess a reasonable administrative charge  
24 for the cost of disclosing digital assets under this act.

1 C. A custodian need not disclose, under this act, a digital  
2 asset deleted by a user.

3 D. If a user directs or a fiduciary requests a custodian to  
4 disclose under this act some, but not all, of the user's digital  
5 assets, the custodian need not disclose the assets if segregation of  
6 the assets would impose an undue burden on the custodian. If the  
7 custodian believes the direction or request imposes an undue burden,  
8 the custodian or fiduciary may seek an order from the court to  
9 disclose:

10 1. A subset limited by date of the user's digital assets;

11 2. All of the user's digital assets to the fiduciary or  
12 designated recipient;

13 3. None of the user's digital assets; or

14 4. All of the user's digital assets to the court for review in  
15 camera.

16 SECTION 7. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1091.7 of Title 58, unless there  
18 is created a duplication in numbering, reads as follows:

19 DISCLOSURE OF CONTENT OF ELECTRONIC COMMUNICATIONS OF DECEASED  
20 USER. If a deceased user consented or a court directs disclosure of  
21 the contents of electronic communications of the user, the custodian  
22 shall disclose to the personal representative of the estate of the  
23 user the content of an electronic communication sent or received by  
24 the user if the representative gives the custodian:

- 1        1. A written request for disclosure in physical or electronic  
2 form;
- 3        2. A certified copy of the death certificate of the user;
- 4        3. A certified copy of the letters of administration or letters  
5 testamentary from the probate of the decedant's estate;
- 6        4. Unless the user provided direction using an online tool, a  
7 copy of the user's will, trust, power of attorney or other record  
8 evidencing the user's consent to disclosure of the content of  
9 electronic communications; and
- 10       5. If requested by the custodian:
  - 11           a. a number, username, address or other unique subscriber  
12           or account identifier assigned by the custodian to  
13           identify the user's account,
  - 14           b. evidence linking the account to the user, or
  - 15           c. a finding by the court that:
    - 16                (1) the user had a specific account with the  
17                custodian, identifiable by the information  
18                specified in subparagraph a of this paragraph,
    - 19                (2) disclosure of the content of electronic  
20                communications of the user would not violate 18  
21                U.S.C., Section 2701 et seq., as amended, and 47  
22                U.S.C., Section 222, as amended, or other  
23                applicable law,
- 24

- 1 (3) unless the user provided direction using an  
2 online tool, the user consented to disclosure of  
3 the content of electronic communications, or  
4 (4) disclosure of the content of electronic  
5 communications of the user is reasonably  
6 necessary for administration of the estate.

7 SECTION 8. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1091.8 of Title 58, unless there  
9 is created a duplication in numbering, reads as follows:

10 DISCLOSURE OF OTHER DIGITAL ASSETS OF DECEASED USER. Unless the  
11 user prohibited disclosure of digital assets or the court directs  
12 otherwise, a custodian shall disclose to the personal representative  
13 of the estate of a deceased user a catalogue of electronic  
14 communications sent or received by the user and digital assets,  
15 other than the content of electronic communications, of the user, if  
16 the representative gives the custodian:

- 17 1. A written request for disclosure in physical or electronic  
18 form;  
19 2. A certified copy of the death certificate of the user;  
20 3. A certified copy of letters of administration or letters  
21 testamentary from the probate of the decedant's estate; and  
22 4. If requested by the custodian:  
23  
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- 1 a. a number, username, address or other unique subscriber  
2 or account identifier assigned by the custodian to  
3 identify the user's account,  
4 b. evidence linking the account to the user,  
5 c. an affidavit stating that disclosure of the user's  
6 digital assets is reasonably necessary for  
7 administration of the estate, or  
8 d. a finding by the court that:  
9 (1) the user had a specific account with the  
10 custodian, identifiable by the information  
11 specified in subparagraph a of this paragraph, or  
12 (2) disclosure of the user's digital assets is  
13 reasonably necessary for administration of the  
14 estate.

15 SECTION 9. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1091.9 of Title 58, unless there  
17 is created a duplication in numbering, reads as follows:

18 DISCLOSURE OF CONTENT OF ELECTRONIC COMMUNICATIONS OF PRINCIPAL.

19 To the extent a power of attorney expressly grants an agent  
20 authority over the content of electronic communications sent or  
21 received by the principal and unless directed otherwise by the  
22 principal or the court, a custodian shall disclose to the agent the  
23 content if the agent gives the custodian:  
24

1 1. A written request for disclosure in physical or electronic  
2 form;

3 2. An original or copy of the power of attorney expressly  
4 granting the agent authority over the content of electronic  
5 communications of the principal;

6 3. A certification by the agent, under penalty of perjury, that  
7 the power of attorney is in effect; and

8 4. If requested by the custodian:

9 a. a number, username, address or other unique subscriber  
10 or account identifier assigned by the custodian to  
11 identify the principal's account, or

12 b. evidence linking the account to the principal.

13 SECTION 10. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1091.10 of Title 58, unless  
15 there is created a duplication in numbering, reads as follows:

16 DISCLOSURE OF OTHER DIGITAL ASSETS OF PRINCIPAL. Unless  
17 otherwise ordered by the court, directed by the principal or  
18 provided by a power of attorney, a custodian shall disclose to an  
19 agent with specific authority over digital assets or general  
20 authority to act on behalf of a principal a catalogue of electronic  
21 communications sent or received by the principal and digital assets,  
22 other than the content of electronic communications, of the  
23 principal if the agent gives the custodian:

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1 1. A written request for disclosure in physical or electronic  
2 form;

3 2. An original or a copy of the power of attorney that gives  
4 the agent specific authority over digital assets or general  
5 authority to act on behalf of the principal;

6 3. A certification by the agent, under penalty of perjury, that  
7 the power of attorney is in effect; and

8 4. If requested by the custodian:

9 a. a number, username, address or other unique subscriber  
10 or account identifier assigned by the custodian to  
11 identify the principal's account, or

12 b. evidence linking the account to the principal.

13 SECTION 11. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1091.11 of Title 58, unless  
15 there is created a duplication in numbering, reads as follows:

16 DISCLOSURE OF DIGITAL ASSETS HELD IN TRUST WHEN TRUSTEE IS  
17 ORIGINAL USER. Unless otherwise ordered by the court or provided in  
18 a trust, a custodian shall disclose to a trustee that is an original  
19 user of an account any digital asset of the account held in trust,  
20 including a catalogue of electronic communications of the trustee  
21 and the content of electronic communications.

22 SECTION 12. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1091.12 of Title 58, unless  
24 there is created a duplication in numbering, reads as follows:

1 DISCLOSURE OF CONTENTS OF ELECTRONIC COMMUNICATIONS HELD IN  
2 TRUST WHEN TRUSTEE IS NOT ORIGINAL USER. Unless otherwise ordered  
3 by the court, directed by the user or provided in a trust, a  
4 custodian shall disclose to a trustee that is not an original user  
5 of an account the content of an electronic communication sent or  
6 received by an original or successor user and carried, maintained,  
7 processed, received or stored by the custodian in the account of the  
8 trust if the trustee gives the custodian:

- 9 1. A written request for disclosure in physical or electronic  
10 form;
- 11 2. A certified copy of the trust instrument that includes  
12 consent to disclosure of the content of electronic communications to  
13 the trustee;
- 14 3. A certification by the trustee, under penalty of perjury,  
15 that the trust exists and the trustee is a currently acting trustee  
16 of the trust; and
- 17 4. If requested by the custodian:
  - 18 a. a number, username, address or other unique subscriber  
19 or account identifier assigned by the custodian to  
20 identify the trust's account, or
  - 21 b. evidence linking the account to the trust.

22 SECTION 13. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1091.13 of Title 58, unless  
24 there is created a duplication in numbering, reads as follows:

1 DISCLOSURE OF OTHER DIGITAL ASSETS HELD IN TRUST WHEN TRUSTEE IS  
2 NOT ORIGINAL USER. Unless otherwise ordered by the court, directed  
3 by the user or provided in a trust, a custodian shall disclose, to a  
4 trustee that is not an original user of an account, a catalogue of  
5 electronic communications sent or received by an original or  
6 successor user and stored, carried or maintained by the custodian in  
7 an account of the trust and any digital assets, other than the  
8 content of electronic communications, in which the trust has a right  
9 or interest if the trustee gives the custodian:

- 10 1. A written request for disclosure in physical or electronic  
11 form;
- 12 2. A certified copy of the trust instrument;
- 13 3. A certification by the trustee, under penalty of perjury,  
14 that the trust exists and the trustee is a currently acting trustee  
15 of the trust; and
- 16 4. If requested by the custodian:
  - 17 a. a number, username, address or other unique subscriber  
18 or account identifier assigned by the custodian to  
19 identify the trust's account, or
  - 20 b. evidence linking the account to the trust.

21 SECTION 14. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1091.14 of Title 58, unless  
23 there is created a duplication in numbering, reads as follows:

24 DISCLOSURE OF DIGITAL ASSETS TO CONSERVATOR OF ABSENTEE.

1       A. After an opportunity for a hearing under the state  
2 conservatorship law pursuant to Sections 361 through 367 of Title 60  
3 of the Oklahoma Statutes, the court may grant a conservator access  
4 to the digital assets of an absentee.

5       B. Unless otherwise ordered by the court or directed by the  
6 user, a custodian shall disclose to a conservator the catalogue of  
7 electronic communications sent or received by an absentee and any  
8 digital assets, other than the content of electronic communications,  
9 in which the absentee has a right or interest if the conservator  
10 gives the custodian:

11       1. A written request for disclosure in physical or electronic  
12 form;

13       2. A certified copy of the court order that gives the  
14 conservator authority over the digital assets of the absentee; and

15       3. If requested by the custodian:

16           a. a number, username, address or other unique subscriber  
17           or account identifier assigned by the custodian to  
18           identify the account of the absentee, or

19           b. evidence linking the account to the absentee.

20       C. A conservator with general authority to manage the assets of  
21 an absentee may request a custodian of the digital assets of the  
22 absentee to suspend or terminate an account of the absentee for good  
23 cause. A request made under this section must be accompanied by a  
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1 certified copy of the court order giving the conservator authority  
2 over the absentee's property.

3 SECTION 15. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1091.15 of Title 58, unless  
5 there is created a duplication in numbering, reads as follows:

6 FIDUCIARY DUTY AND AUTHORITY.

7 A. The legal duties imposed on a fiduciary charged with  
8 managing tangible property apply to the management of digital  
9 assets, including:

- 10 1. The duty of care;
- 11 2. The duty of loyalty; and
- 12 3. The duty of confidentiality.

13 B. A fiduciary's authority with respect to a digital asset of a  
14 user:

- 15 1. Except as otherwise provided in Section 4 of this act, is  
16 subject to the applicable terms of service;
- 17 2. Is subject to other applicable law, including copyright law;
- 18 3. In the case of a fiduciary, is limited by the scope of the  
19 fiduciary's duties; and
- 20 4. May not be used to impersonate the user.

21 C. A fiduciary with authority over the property of a decedent,  
22 absentee, principal or settlor has the right to access any digital  
23 asset in which the decedent, absentee, principal or settlor had a  
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1 right or interest and that is not held by a custodian or subject to  
2 a terms-of-service agreement.

3 D. A fiduciary acting within the scope of the fiduciary's  
4 duties is an authorized user of the property of the decedent,  
5 absentee, principal or settlor for the purpose of applicable  
6 computer fraud and unauthorized computer access laws, including the  
7 Oklahoma Computer Crimes Act.

8 E. A fiduciary with authority over the tangible, personal  
9 property of a decedent, absentee, principal or settlor:

10 1. Has the right to access the property and any digital asset  
11 stored in it; and

12 2. Is an authorized user for the purpose of computer fraud and  
13 unauthorized computer access laws, including the Oklahoma Computer  
14 Crimes Act.

15 F. A custodian may disclose information in an account to a  
16 fiduciary of the user when the information is required to terminate  
17 an account used to access digital assets licensed to the user.

18 G. A fiduciary of a user may request a custodian to terminate  
19 the user's account. A request for termination must be in writing,  
20 in either physical or electronic form, and accompanied by:

21 1. If the user is deceased, a certified copy of the death  
22 certificate of the user;

23 2. A certified copy of the letters of administration or letters  
24 testamentary from the probate of the decedant's estate, court order,

1 power of attorney or trust giving the fiduciary authority over the  
2 account; and

3 3. If requested by the custodian:

- 4 a. a number, username, address or other unique subscriber  
5 or account identifier assigned by the custodian to  
6 identify the user's account,
- 7 b. evidence linking the account to the user, or
- 8 c. a finding by the court that the user had a specific  
9 account with the custodian, identifiable by the  
10 information specified in subparagraph a of this  
11 paragraph.

12 SECTION 16. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1091.16 of Title 58, unless  
14 there is created a duplication in numbering, reads as follows:

15 CUSTODIAN COMPLIANCE AND IMMUNITY.

16 A. Not later than sixty (60) days after receipt of the  
17 information required under Sections 7 through 14 of this act, a  
18 custodian shall comply with a request under the Uniform Fiduciary  
19 Access to Digital Assets Act from a fiduciary or designated  
20 recipient to disclose digital assets or terminate an account. If  
21 the custodian fails to comply, the fiduciary or designated recipient  
22 may apply to the court for an order directing compliance.

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1 B. An order under subsection A of this section directing  
2 compliance must contain a finding that compliance is not in  
3 violation of 18 U.S.C., Section 2702, as amended.

4 C. A custodian may notify the user that a request for  
5 disclosure or to terminate an account was made under this act.

6 D. A custodian may deny a request under this act from a  
7 fiduciary or designated recipient for disclosure of digital assets  
8 or to terminate an account if the custodian is aware of any lawful  
9 access to the account following the receipt of the fiduciary's  
10 request.

11 E. This act does not limit a custodian's ability to obtain or  
12 require a fiduciary or designated recipient requesting disclosure or  
13 termination under this act to obtain a court order which:

14 1. Specifies that an account belongs to the absentee or  
15 principal;

16 2. Specifies that there is sufficient consent from the absentee  
17 or principal to support the requested disclosure; and

18 3. Contains a finding required by law other than this act.

19 F. A custodian and its officers, employees and agents are  
20 immune from liability for an act or omission done in good faith in  
21 compliance with this act.

22 SECTION 17. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1091.17 of Title 58, unless  
24 there is created a duplication in numbering, reads as follows:

1 UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and  
2 construing the Uniform Fiduciary Access to Digital Assets Act,  
3 consideration must be given to the need to promote uniformity of the  
4 law with respect to its subject matter among states that enact it.

5 SECTION 18. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1091.18 of Title 58, unless  
7 there is created a duplication in numbering, reads as follows:

8 RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
9 COMMERCE ACT. The Uniform Fiduciary Access to Digital Assets Act  
10 modifies, limits or supersedes the Electronic Signatures in Global  
11 and National Commerce Act, 15 U.S.C., Section 7001 et seq., but does  
12 not modify, limit or supersede Section 101(c) of that act, 15  
13 U.S.C., Section 7001(c), or authorize electronic delivery of any of  
14 the notices described in Section 103(b) of that act, 15 U.S.C.,  
15 Section 7003(b).

16 SECTION 19. This act shall become effective November 1, 2020.

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18 57-2-10500 SD 12/27/19  
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