

FIDUCIARY ACCESS TO DIGITAL ASSETS ACT (EXCERPT)
Act 59 of 2016

***** 700.1004.new THIS NEW SECTION IS EFFECTIVE JUNE 27, 2016 *****

700.1004.new Disclosure of user's digital assets; use of online tool to direct digital custodian; contrary provision.

Sec. 4. (1) A user may use an online tool to direct the digital custodian to disclose or not to disclose to a designated recipient some or all of the user's digital assets, including the contents of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.

(2) If a user has not used an online tool to give direction under subsection (1) or if the digital custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney, or other record disclosure to a fiduciary of some or all of the user's digital assets, including the contents of electronic communications sent or received by the user.

(3) A user's direction under subsection (1) or (2) overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms-of-service agreement.

History: 2016, Act 59, Eff. June 27, 2016.