

CHAPTER 93**(SB 72)**

AN ACT relating to the Revised Uniform Fiduciary Access to Digital Assets Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 395A.060 is amended to read as follows:

- (1) When disclosing digital assets of a user under this chapter, the custodian may at its sole discretion:
 - (a) Grant a fiduciary or designated recipient full access to the user's account;
 - (b) Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or
 - (c) Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.
- (2) A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this chapter, *unless the user would have had access to those digital assets for free or for no additional charge.*
- (3) A custodian need not disclose under this chapter a digital asset deleted by a user.
- (4) If a user directs or a fiduciary requests a custodian to disclose under this chapter some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose:
 - (a) A subset limited by date of the user's digital assets;
 - (b) All of the user's digital assets to the fiduciary or designated recipient;
 - (c) None of the user's digital assets; or
 - (d) All of the user's digital assets to the court for review in camera.

Signed by Governor March 23, 2021.