

### **395A.020 Definitions for chapter.**

As used in this chapter:

- (1) "Account" means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user;
- (2) "Agent" means an attorney-in-fact granted authority under a durable or nondurable power of attorney;
- (3) "Carries" means engages in the transmission of an electronic communication;
- (4) "Catalogue of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person;
- (5) "Conservator" means a person appointed by a court to manage the estate of a living individual. The term includes a limited conservator;
- (6) "Content of an electronic communication" means information concerning the substance or meaning of the communication which:
  - (a) Has been sent or received by a user;
  - (b) Is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and
  - (c) Is not readily accessible to the public;
- (7) "Court" means District Court;
- (8) "Custodian" means a person that carries, maintains, processes, receives, or stores a digital asset of a user;
- (9) "Designated recipient" means a person chosen by a user using an online tool to administer digital assets of the user;
- (10) "Digital asset" means an electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record;
- (11) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;
- (12) "Electronic communication" has the meaning set forth in 18 U.S.C. sec. 2510(12), as amended;
- (13) "Electronic communication service" means a custodian that provides to a user the ability to send or receive an electronic communication;
- (14) "Fiduciary" means an original, additional, or successor personal representative, conservator, agent, or trustee;
- (15) "Information" means data, text, images, videos, sounds, codes, computer programs, software, databases, or the like;
- (16) "Online tool" means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital

assets to a third person;

- (17) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity;
- (18) "Personal representative" means an executor, administrator, special administrator, or person that performs substantially the same function under law of this state other than this chapter;
- (19) "Power of attorney" means a record that grants an agent authority to act in the place of a principal;
- (20) "Principal" means an individual who grants authority to an agent in a power of attorney;
- (21) "Protected person" means an individual for whom a conservator has been appointed. The term includes an individual for whom an application for the appointment of a conservator is pending;
- (22) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;
- (23) "Remote computing service" means a custodian that provides to a user computer-processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. sec. 2510(14), as amended;
- (24) "Terms of service agreement" means an agreement that controls the relationship between a user and a custodian;
- (25) "Trustee" means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term includes a successor trustee;
- (26) "User" means a person that has an account with a custodian; and
- (27) "Will" includes a codicil, testamentary instrument that only appoints an executor, and instrument that revokes or revises a testamentary instrument.

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