

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2903 Session of
2006

INTRODUCED BY GANNON, GEORGE, SONNEY, DeWEESE, GOOD, FRANKEL,
CALTAGIRONE, KILLION, LEWIS, DALLY, PICKETT, CLYMER, HERSHEY,
WASHINGTON, ROBERTS, JAMES, DENLINGER, E. Z. TAYLOR, ROSS,
GRELL, CORNELL, GERGELY, YOUNGBLOOD, GINGRICH, KAUFFMAN,
MICOZZIE, GEIST, BOYD AND HENNESSEY, SEPTEMBER 14, 2006

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 14, 2006

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, providing for access of
3 personal representative to electronic mail of decedent.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 20 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3333. Access to electronic mail.

9 (a) General rule.--An electronic mail service provider shall
10 provide, to the personal representative of the estate of a
11 deceased person who was domiciled in this Commonwealth at the
12 time of the decedent's death, access to or copies of the
13 contents of the electronic mail account of the deceased person
14 upon receipt by the electronic mail service provider of:

15 (1) a written request for access or copies made by the
16 personal representative, accompanied by a copy of the death
17 certificate and a certified copy of the certificate of

1 appointment as personal representative; or

2 (2) an order of the court that by law has jurisdiction
3 of the estate of the deceased person.

4 (b) Construction.--Nothing in this section shall be
5 construed to require an electronic mail service provider to
6 disclose any information in violation of any applicable Federal
7 law.

8 (c) Definitions.--As used in this section, the following
9 words and phrases shall have the meanings given to them in this
10 subsection:

11 "Electronic mail account." Any of the following:

12 (1) Electronic mail sent or received by an end user of
13 electronic mail services provided by an electronic mail
14 service provider that is stored or recorded by the electronic
15 mail service provider in the regular course of providing
16 services.

17 (2) Any other electronic information stored or recorded
18 by the electronic mail service provider that is directly
19 related to the electronic mail services provided to the end
20 user by the electronic mail service provider, including, but
21 not limited to, billing and payment information.

22 "Electronic mail service provider." Any person who:

23 (1) is an intermediary in sending or receiving
24 electronic mail; and

25 (2) provides to end users of electronic mail services
26 the ability to send or receive electronic mail.

27 Section 2. This act shall take effect in 60 days.