

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 827 Session of 2017

INTRODUCED BY KILLION, BROWNE, COSTA, FOLMER, HAYWOOD, HUGHES, LAUGHLIN, MCGARRIGLE, RAFFERTY, SCHWANK AND VULAKOVICH, JUNE 29, 2017

AS AMENDED ON SECOND CONSIDERATION, OCTOBER 24, 2017

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, enacting the Revised
3 Uniform Fiduciary Access to Digital Assets Act (2015);
4 providing for user direction and agreements, for disclosure
5 of digital assets and electronic communications, for
6 functions of fiduciaries and for compliance and immunity for
7 custodians of digital assets and electronic communications;
8 making conforming amendments; and providing for functions of
9 the Administrative Office of Pennsylvania Courts.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 711 of Title 20 of the Pennsylvania
13 Consolidated Statutes is amended by adding a paragraph to read:

14 § 711. Mandatory exercise of jurisdiction through orphans'
15 court division in general.

16 Except as provided in section 712 (relating to nonmandatory
17 exercise of jurisdiction through the orphans' court division)
18 and section 713 (relating to special provisions for Philadelphia
19 County), the jurisdiction of the court of common pleas over the
20 following shall be exercised through its orphans' court
21 division:

1 * * *

2 (23) Digital assets.--All matters pertaining to Chapter
3 39 (relating to uniform fiduciary access to digital assets).

4 Section 2. Title 20 is amended by adding a chapter to read:

5 CHAPTER 39

6 UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS

7 Sec.

8 3901. Short title of chapter.

9 3902. Definitions.

10 3903. Applicability.

11 3904. User direction for disclosure of digital assets.

12 3905. Terms-of-service agreement.

13 3906. Procedure for disclosing digital assets.

14 3907. Disclosure of content of electronic communications of
15 deceased user.

16 3908. Disclosure of other digital assets of deceased user.

17 3909. Disclosure of content of electronic communications of
18 principal.

19 3910. Disclosure of other digital assets of principal.

20 3911. Disclosure of digital assets held in trust when trustee
21 is original user.

22 3912. Disclosure of contents of electronic communications held
23 in trust when trustee not original user.

24 3913. Disclosure of other digital assets held in trust when
25 trustee not original user.

26 3914. Disclosure of digital assets to guardian of the estate.

27 3915. Fiduciary duty and authority.

28 3916. Custodian compliance and immunity.

29 3917. Uniformity of application and construction.

30 3918. Relation to Electronic Signatures in Global and National

1 Commerce Act.

2 § 3901. Short title of chapter.

3 This chapter may be cited as the Revised Uniform Fiduciary
4 Access to Digital Assets Act (2015).

5 § 3902. Definitions.

6 The following words and phrases when used in this chapter
7 shall have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Account." An arrangement under a terms-of-service agreement
10 in which a custodian:

11 (1) carries, maintains, processes, receives or stores a
12 digital asset of the user; or

13 (2) provides goods or services to the user.

14 "Agent." As defined in section 5601(f) (relating to general
15 provisions).

16 "Carries." Engages in the transmission of an electronic
17 communication.

18 "Catalog of electronic communications." Information which
19 identifies:

20 (1) each person that has had an electronic communication
21 with a user;

22 (2) the time and date of the electronic communication;
23 and

24 (3) the electronic address of the person under paragraph
25 (1).

26 "Conservator." A guardian of the estate.

27 "Content of an electronic communication." Information
28 concerning the substance or meaning of the electronic
29 communication which:

30 (1) has been sent or received by a user;

1 (2) is in electronic storage by a custodian providing an
2 electronic communication service to the public or is carried
3 or maintained by a custodian providing a remote computing
4 service to the public; and

5 (3) is not readily accessible to the public.

6 "Custodian." A person that carries, maintains, processes,
7 receives or stores a digital asset of a user.

8 "Designated recipient." A person chosen by a user using an
9 online tool to administer digital assets of the user.

10 "Digital asset." An electronic record in which an individual
11 has a right or interest. The term does not include an underlying
12 asset or liability unless the asset or liability is itself an
13 electronic record.

14 "Electronic." Relating to technology having electrical,
15 digital, magnetic, wireless, optical, electromagnetic or similar
16 capabilities.

17 "Electronic communication." As defined in 18 U.S.C. §
18 2510(12) (relating to definitions).

19 "Electronic communication service." A custodian that
20 provides to a user the ability to send or receive an electronic
21 communication.

22 "Electronic communications system." As defined in 18 U.S.C.
23 § 2510(14).

24 "Guardian of the estate." A person appointed by a court to
25 manage the estate of a living individual. The term includes a
26 limited guardian of the estate.

27 "Information." Data, text, images, videos, sounds, codes,
28 computer programs, software, databases or the like.

29 "Online tool." An electronic service provided by a custodian
30 which allows the user, in an agreement distinct from the terms-

1 of-service agreement between the custodian and user, to provide
2 directions for disclosure or nondisclosure of digital assets to
3 a third person.

4 "Person." Any individual, estate, business or nonprofit
5 entity, public corporation, government or governmental
6 subdivision, agency or instrumentality; or other legal entity.

7 "Power of attorney." A record which grants an agent
8 authority to act in the place of a principal.

9 "Principal." An individual who grants authority to an agent
10 in a power of attorney.

11 "Protected person." An individual for whom a guardian of the
12 estate has been appointed. The term includes an individual for
13 whom an application for the appointment of a guardian of the
14 estate is pending.

15 "Record." Information that is inscribed on a tangible medium
16 or that is stored in an electronic or other medium and is
17 retrievable in perceivable form.

18 "Remote computing service." A custodian that provides to a
19 user computer-processing services or the storage of digital
20 assets by means of an electronic communications system.

21 "Terms-of-service agreement." An agreement which controls
22 the relationship between a user and a custodian.

23 "Trustee." A fiduciary with legal title to property under an
24 agreement or declaration which creates a beneficial interest in
25 another. The term includes a successor trustee.

26 "User." A person that has an account with a custodian.

27 § 3903. Applicability.

28 (a) Time.--This chapter applies to:

29 (1) a fiduciary acting under a will or power of attorney
30 executed before, on or after the effective date of this

1 section;

2 (2) a personal representative acting for a decedent who
3 died before, on or after the effective date of this section;

4 (3) a proceeding for the appointment of a guardian of
5 the estate commenced before, on or after the effective date
6 of this section; and

7 (4) a trustee acting under a trust created before, on or
8 after the effective date of this section.

9 (b) Residence of user.--This chapter applies to a custodian
10 if the user resides in this Commonwealth or resided in this
11 Commonwealth at the time of the user's death.

12 (c) Employers.--This chapter does not apply to a digital
13 asset of an employer used by an employee in the ordinary course
14 of the employer's business.

15 § 3904. User direction for disclosure of digital assets.

16 (a) Use of online tool.--

17 (1) A user may use an online tool to direct the
18 custodian to disclose or not to disclose some or all of the
19 user's digital assets, including the content of electronic
20 communications.

21 (2) If the online tool allows the user to modify or
22 delete a direction at all times, a direction regarding
23 disclosure using an online tool overrides a contrary
24 direction by the user in a will, trust, power of attorney or
25 other record.

26 (b) Nonuse of online tool.--If a user has not used an online
27 tool to give direction under subsection (a) or if the custodian
28 has not provided an online tool, the user may, in a will, trust,
29 power of attorney or other record, allow or prohibit disclosure
30 to a fiduciary of some or all of the user's digital assets,

1 including the content of electronic communications sent or
2 received by the user.

3 (c) User's direction.--A user's direction under subsection
4 (a) or (b) overrides a contrary provision in a terms-of-service
5 agreement which does not require the user to act affirmatively
6 and distinctly from the user's assent to the terms of service.
7 § 3905. Terms-of-service agreement.

8 (a) Alteration of rights under this chapter.--This chapter
9 does not change or impair a right of a custodian or a user under
10 a terms-of-service agreement to access and use digital assets of
11 the user.

12 (b) Additional rights under this chapter.--This chapter does
13 not give a fiduciary or designated recipient any new or expanded
14 rights other than those held by the user for whom, or for whose
15 estate, the fiduciary acts or represents.

16 (c) Absence of direction.--A fiduciary's access to digital
17 assets may be modified or eliminated by a user, by Federal law,
18 or by a terms-of-service agreement if the user has not provided
19 direction under section 3904 (relating to user direction for
20 disclosure of digital assets).

21 § 3906. Procedure for disclosing digital assets.

22 (a) Authority of custodian.--When disclosing digital assets
23 of a user under this chapter, the custodian has the sole
24 discretion to:

25 (1) grant a fiduciary or designated recipient full
26 access to the user's account;

27 (2) grant a fiduciary or designated recipient partial
28 access to the user's account sufficient to perform the tasks
29 with which the fiduciary or designated recipient is charged;
30 or

1 (3) provide a fiduciary or designated recipient a copy
2 in a record of any digital asset which, on the date the
3 custodian received the request for disclosure, the user could
4 have accessed if the user were alive and had full capacity
5 and access to the account.

6 (b) Charge.--A custodian may assess a reasonable
7 administrative charge for the cost of disclosing digital assets
8 under this chapter.

9 (c) Deleted digital assets.--A custodian need not disclose
10 under this chapter a digital asset deleted by a user.

11 (d) Segregation.--If a user directs or a fiduciary requests
12 a custodian to disclose under this chapter some, but not all, of
13 the user's digital assets, the custodian need not disclose the
14 digital assets if segregation of the digital assets would impose
15 an undue burden on the custodian. If the custodian believes the
16 direction or request imposes an undue burden, the custodian or
17 fiduciary may seek an order from the court to do any of the
18 following:

19 (1) Disclose a subset limited by date of the user's
20 digital assets.

21 (2) Disclose all of the user's digital assets to the
22 fiduciary or designated recipient.

23 (3) Disclose none of the user's digital assets.

24 (4) Disclose all of the user's digital assets to the
25 court for review in camera.

26 § 3907. Disclosure of content of electronic communications of
27 deceased user.

28 If a deceased user consented or a court directs disclosure of
29 the content of electronic communications of the user, the
30 custodian shall disclose to the personal representative of the

1 estate of the user the content of an electronic communication
2 sent or received by the user if the personal representative
3 gives the custodian:

4 (1) a written request for disclosure in physical or
5 electronic form;

6 (2) a certified copy of the death certificate of the
7 user;

8 (3) a certified copy of the letters;

9 (4) unless the user provided direction using an online
10 tool, a copy of the user's will, trust, power of attorney or
11 other record evidencing the user's consent to disclosure of
12 the content of electronic communications; and

13 (5) if requested by the custodian:

14 (i) any number, username, address or other unique
15 subscriber or account identifier, assigned by the
16 custodian to identify the user's account;

17 (ii) evidence linking the account to the user; or

18 (iii) a finding by the court that:

19 (A) the user had a specific account with the
20 custodian, identifiable by the information specified
21 in subparagraph (i);

22 (B) disclosure of the content of electronic
23 communications of the user would not violate 18
24 U.S.C. Ch. 21 (relating to stored wire and electronic
25 communications and transactional records access),
26 section 222 of the Communications Act of 1934 (48
27 Stat. 1064, 47 U.S.C. § 222) or other applicable law;

28 (C) unless the user provided direction using an
29 online tool, the user consented to disclosure of the
30 content of electronic communications; or

1 (D) disclosure of the content of electronic
2 communications of the user is reasonably necessary
3 for administration of the estate.

4 § 3908. Disclosure of other digital assets of deceased user.

5 (a) Obligations of representative.--Unless the user
6 prohibited disclosure of digital assets or the court directs
7 otherwise, a custodian shall disclose to the personal
8 representative of the estate of a deceased user a catalog of
9 electronic communications sent or received by the user and any
10 digital assets, other than the content of electronic
11 communications, of the user, if the personal representative
12 gives the custodian:

13 (1) a written request for disclosure in physical or
14 electronic form;

15 (2) a certified copy of the death certificate of the
16 user;

17 (3) a certified copy of the letters; and

18 (4) if requested by the custodian:

19 (i) any number, username, address or other unique
20 subscriber or account identifier, assigned by the
21 custodian to identify the user's account;

22 (ii) evidence linking the account to the user;

23 (iii) an affidavit by the personal representative
24 stating that disclosure of the user's digital assets is
25 reasonably necessary for administration of the estate; or

26 (iv) a finding of the court that:

27 (A) the user had a specific account with the
28 custodian, identifiable by the information specified
29 in subparagraph (i); or

30 (B) disclosure of the user's digital assets is

1 reasonably necessary for administration of the
2 estate.

3 (b) Finding of the court.--For the purposes of disclosure to
4 the personal representative of the estate of a deceased user of
5 a catalog of electronic communications, the issuance of letters
6 testamentary or letters of administration to the personal
7 representative by a register under section 901 (relating to
8 register's jurisdiction) shall, unless otherwise provided by
9 rules of court or a court order, have the same force and effect
10 as a finding of the court under subsection (a) (4) (iv) and
11 section 3916(e) (relating to custodian compliance and immunity),
12 if the personal representative:

13 (1) files with the register an affidavit subject to
14 penalties under 18 Pa.C.S. § 4904 (relating to unsworn
15 falsification to authorities) setting forth the information
16 required by subsection (a) (4) (i), (ii) and (iii) regarding
17 records of electronic communications in the custody or
18 control of the custodian; and

19 (2) upon request, provides to the custodian a copy of
20 the affidavit bearing evidence of filing with the register.

21 (c) Form of affidavit.--The affidavit required by subsection
22 (a) (4) (iii) or (b) (1) may be provided by:

23 (1) an averment in the petition under section 3153
24 (relating to contents of petition) or the affidavit under
25 section 3154 (relating to affidavit and oath); or

26 (2) a supplement to the petition under section 3153 or
27 the affidavit under section 3154 which is filed with and
28 sworn before the register.

29 § 3909. Disclosure of content of electronic communications of
30 principal.

1 To the extent a power of attorney expressly grants an agent
2 authority over the content of electronic communications sent or
3 received by the principal and unless directed otherwise by the
4 principal or the court, a custodian shall disclose to the agent
5 the content of an electronic communication if the agent gives
6 the custodian:

7 (1) a written request for disclosure in physical or
8 electronic form;

9 (2) an original or a copy of the power of attorney
10 expressly granting the agent authority over the content of
11 electronic communications of the principal;

12 (3) a certification by the agent, under penalty of
13 perjury, that the power of attorney is in effect; and

14 (4) if requested by the custodian:

15 (i) any number, username, address or other unique
16 subscriber or account identifier, assigned by the
17 custodian to identify the principal's account; or

18 (ii) evidence linking the account to the principal.

19 § 3910. Disclosure of other digital assets of principal.

20 Unless otherwise ordered by the court, directed by the
21 principal or provided by a power of attorney, a custodian shall
22 disclose to an agent with specific authority over digital assets
23 or general authority to act on behalf of a principal a catalog
24 of electronic communications sent or received by the principal
25 and any digital assets, other than the content of electronic
26 communications, of the principal if the agent gives the
27 custodian:

28 (1) a written request for disclosure in physical or
29 electronic form;

30 (2) an original or a copy of the power of attorney that

1 gives the agent specific authority over digital assets or
2 general authority to act on behalf of the principal;

3 (3) a certification by the agent, under penalty of
4 perjury, that the power of attorney is in effect under
5 section 5606 (relating to proof of continuance of powers of
6 attorney by affidavit); and

7 (4) if requested by the custodian:

8 (i) any number, username, address or other unique
9 subscriber or account identifier, assigned by the
10 custodian to identify the principal's account; or

11 (ii) evidence linking the account to the principal.

12 § 3911. Disclosure of digital assets held in trust when trustee
13 is original user.

14 Unless otherwise ordered by the court or provided in a trust,
15 a custodian shall disclose to a trustee that is an original user
16 of an account any digital asset of the account held in trust,
17 including a catalog of electronic communications of the trustee
18 and the content of electronic communications.

19 § 3912. Disclosure of contents of electronic communications
20 held in trust when trustee not original user.

21 Unless otherwise ordered by the court, directed by the user
22 or provided in a trust, a custodian shall disclose to a trustee
23 that is not an original user of an account the content of an
24 electronic communication sent or received by an original or
25 successor user and carried, maintained, processed, received or
26 stored by the custodian in the account of the trust if the
27 trustee gives the custodian:

28 (1) a written request for disclosure in physical or
29 electronic form;

30 (2) a certified copy of the trust instrument or a

1 certification of the trust under section 7790.3 (relating to
2 certification of trust - UTC 1013), which includes consent to
3 disclosure of the content of electronic communications to the
4 trustee;

5 (3) a certification by the trustee, under penalty of
6 perjury, that the trust exists and the trustee is a currently
7 acting trustee of the trust; and

8 (4) if requested by the custodian:

9 (i) any number, username, address or other unique
10 subscriber or account identifier, assigned by the
11 custodian to identify the trust's account; or

12 (ii) evidence linking the account to the trust.

13 § 3913. Disclosure of other digital assets held in trust when
14 trustee not original user.

15 Unless otherwise ordered by the court, directed by the user
16 or provided in a trust, a custodian shall disclose to a trustee
17 that is not an original user of an account a catalog of
18 electronic communications sent or received by an original or
19 successor user and stored, carried or maintained by the
20 custodian in an account of the trust and any digital assets,
21 other than the content of electronic communications, in which
22 the trust has a right or interest if the trustee gives the
23 custodian:

24 (1) a written request for disclosure in physical or
25 electronic form;

26 (2) a certified copy of the trust instrument or a
27 certification of the trust under section 7790.3 (relating to
28 certification of trust - UTC 1013);

29 (3) a certification by the trustee, under penalty of
30 perjury, that the trust exists and the trustee is a currently

1 acting trustee of the trust; and

2 (4) if requested by the custodian:

3 (i) any number, username, address or other unique
4 subscriber or account identifier, assigned by the
5 custodian to identify the trust's account; or

6 (ii) evidence linking the account to the trust.

7 § 3914. Disclosure of digital assets to guardian of the estate.

8 (a) Access.--After an opportunity for a hearing, the court
9 may grant a guardian of the estate access to the digital assets
10 of a protected person.

11 (b) Disclosure.--Unless otherwise ordered by the court or
12 directed by the user, a custodian shall disclose to a guardian
13 of the estate the catalog of electronic communications sent or
14 received by the protected person and any digital assets, other
15 than the content of electronic communications, in which the
16 protected person has a right or interest if the guardian of the
17 estate gives the custodian:

18 (1) a written request for disclosure in physical or
19 electronic form;

20 (2) a certified copy of the court order which gives the
21 guardian of the estate authority over the digital assets of
22 the protected person; and

23 (3) if requested by the custodian:

24 (i) any number, username, address or other unique
25 subscriber or account identifier, assigned by the
26 custodian to identify the account of the protected
27 person; or

28 (ii) evidence linking the account to the protected
29 person.

30 (c) Account activity.--A guardian of the estate with general

1 authority to manage the assets of a protected person may request
2 a custodian of the digital assets of the protected person to
3 suspend or terminate an account of the protected person for good
4 cause. A request made under this subsection must be accompanied
5 by a certified copy of the court order giving the guardian of
6 the estate authority over the protected person's property.
7 § 3915. Fiduciary duty and authority.

8 (a) Duties.--The legal duties imposed on a fiduciary charged
9 with managing tangible property apply to the management of
10 digital assets, including:

- 11 (1) the duty of care;
12 (2) the duty of loyalty; and
13 (3) the duty of confidentiality.

14 (b) Authority.--A fiduciary's authority with respect to a
15 digital asset of a user:

- 16 (1) except as otherwise provided in section 3904
17 (relating to user direction for disclosure of digital
18 assets), is subject to the applicable terms of service;
19 (2) is subject to other applicable law, including
20 copyright law;
21 (3) is limited by the scope of the fiduciary's duties;
22 and
23 (4) may not be used to impersonate the user.

24 (c) Access.--A fiduciary with authority over the property of
25 a decedent, protected person, principal or settlor has the right
26 to access any digital asset:

- 27 (1) in which the decedent, protected person, principal
28 or settlor had a right or interest; and
29 (2) which is not held by a custodian or subject to a
30 terms-of-service agreement.

1 (d) Authorized user.--A fiduciary acting within the scope of
2 the fiduciary's duties is an authorized user of the property of
3 the decedent, protected person, principal or settlor for the
4 purpose of applicable computer fraud and unauthorized computer
5 access laws, including 18 Pa.C.S. Ch. 76 (relating to computer
6 offenses).

7 (e) Tangible, personal property.--A fiduciary with authority
8 over the tangible, personal property of a decedent, protected
9 person, principal or settlor:

10 (1) has the right to access the property and any digital
11 asset stored in it; and

12 (2) is an authorized user for the purpose of computer
13 fraud and unauthorized computer access laws, including 18
14 Pa.C.S. Ch. 76.

15 (f) Disclosure by custodian.--A custodian may disclose
16 information in an account to a fiduciary of the user when the
17 information is required to terminate an account used to access
18 digital assets licensed to the user.

19 (g) Termination of account.--A fiduciary of a user may
20 request a custodian to terminate the user's account. A request
21 for termination must be in writing, in either physical or
22 electronic form, and be accompanied by:

23 (1) if the user is deceased, a certified copy of the
24 death certificate of the user;

25 (2) a certified copy of the letters, court order, power
26 of attorney or trust, giving the fiduciary authority over the
27 account; and

28 (3) if requested by the custodian:

29 (i) any number, username, address or other unique
30 subscriber or account identifier, assigned by the

1 custodian to identify the user's account;
2 (ii) evidence linking the account to the user; or
3 (iii) a finding by the court that the user had a
4 specific account with the custodian, identifiable by the
5 information specified in subparagraph (i).

6 § 3916. Custodian compliance and immunity.

7 (a) Requirement.--Not later than 60 days after receipt of
8 the information required under sections 3907 (relating to
9 disclosure of content of electronic communications of deceased
10 user) through 3915 (relating to fiduciary duty and authority), a
11 custodian shall comply with a request under this chapter from a
12 fiduciary or designated recipient to disclose digital assets or
13 terminate an account. If the custodian fails to comply, the
14 fiduciary or designated representative may apply to the court
15 for an order directing compliance.

16 (b) Court order.--An order under subsection (a) directing
17 compliance must contain a finding that compliance is not in
18 violation of 18 U.S.C. § 2702 (relating to voluntary disclosure
19 of customer communications or records).

20 (c) Notification.--A custodian may notify the user that a
21 request for disclosure or to terminate an account was made under
22 this chapter.

23 (d) Lawful access following termination request.--A
24 custodian may deny a request under this chapter from a fiduciary
25 or designated recipient for disclosure of digital assets or to
26 terminate an account if the custodian is aware of any lawful
27 access to the account following the receipt of the fiduciary's
28 request.

29 (e) Additional court orders.--This chapter does not limit a
30 custodian's ability to obtain or require a fiduciary or

1 designated recipient requesting disclosure or termination under
2 this chapter to obtain a court order which:

3 (1) specifies that an account belongs to the protected
4 person or principal;

5 (2) specifies that there is sufficient consent from the
6 protected person or principal to support the requested
7 disclosure; and

8 (3) contains a finding required by law other than this
9 chapter.

10 (f) Immunity.--A custodian and its officers, employees and
11 agents are immune from liability for an act or omission done in
12 good faith in compliance with this chapter.

13 § 3917. Uniformity of application and construction.

14 In applying and construing this uniform act, consideration
15 must be given to the need to promote uniformity of the law with
16 respect to its subject matter among states that enact it.

17 § 3918. Relation to Electronic Signatures in Global and
18 National Commerce Act.

19 To the extent permitted by section 102 of the Electronic
20 Signatures in Global and National Commerce Act (Public Law 106-
21 229, 15 U.S.C. § 7002), this chapter may supersede provisions of
22 that act.

23 Section 3. Section 5601.4(a) of Title 20 is amended by
24 adding a paragraph to read:

25 § 5601.4. Authority that requires specific and general grant of
26 authority.

27 (a) General rule.--An agent under a power of attorney may do
28 the following on behalf of the principal or with the principal's
29 property only if the power of attorney expressly grants the
30 agent the authority and exercise of the authority is not

1 otherwise prohibited by another agreement or instrument to which
2 the authority or property is subject:

3 * * *

4 (9) Access the electronic communications and digital
5 assets of the principal. As used in this paragraph, the
6 following words and phrases shall have the meanings given to
7 them in this subsection unless the context clearly indicates
8 otherwise:

9 "Digital assets." As defined in section 3902
10 (relating to definitions).

11 "Electronic communication." As defined in section
12 3902.

13 * * *

14 ~~Section 4. The Administrative Office of Pennsylvania Courts <--~~
15 ~~may promulgate rules and forms to implement the addition of 20-~~
16 ~~Pa.C.S. § 3908(a)(4)(iv) and (b).~~

17 ~~Section 5.~~ The addition of 20 Pa.C.S. § 5601.4(a)(9) shall
18 apply to a power of attorney executed on or after the effective
19 date of this section.

20 Section ~~6~~ 5. This act shall take effect in ~~60~~ 180 days. <--