
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

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INTRODUCED BY KILLION, BROWNE, COSTA, FOLMER, GORDNER, HAYWOOD,
LAUGHLIN, PHILLIPS-HILL AND SCHWANK, FEBRUARY 27, 2019

REFERRED TO JUDICIARY, FEBRUARY 27, 2019

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; providing for
4 user direction and agreements, for disclosure of digital
5 assets and electronic communications, for functions of
6 fiduciaries and for compliance and immunity for custodians of
7 digital assets and electronic communications; and making
8 conforming amendments.

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

11 Section 1. Section 711 of Title 20 of the Pennsylvania
12 Consolidated Statutes is amended by adding a paragraph to read:
13 § 711. Mandatory exercise of jurisdiction through orphans'
14 court division in general.

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

21 * * *

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

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

4 CHAPTER 39

5 UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS

6 Sec.

7 3901. Short title of chapter.

8 3902. Definitions.

9 3903. Applicability.

10 3904. User direction for disclosure of digital assets.

11 3905. Terms-of-service agreement.

12 3906. Procedure for disclosing digital assets.

13 3907. Disclosure of content of electronic communications of
14 deceased user.

15 3908. Disclosure of other digital assets of deceased user.

16 3909. Disclosure of content of electronic communications of
17 principal.

18 3910. Disclosure of other digital assets of principal.

19 3911. Disclosure of digital assets held in trust when trustee
20 is original user.

21 3912. Disclosure of contents of electronic communications held
22 in trust when trustee not original user.

23 3913. Disclosure of other digital assets held in trust when
24 trustee not original user.

25 3914. Disclosure of digital assets to guardian of the estate.

26 3915. Fiduciary duty and authority.

27 3916. Custodian compliance and immunity.

28 3917. Uniformity of application and construction.

29 3918. Relation to Electronic Signatures in Global and National
30 Commerce Act.

1 § 3901. Short title of chapter.

2 This chapter may be cited as the Revised Uniform Fiduciary
3 Access to Digital Assets Act.

4 § 3902. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

29 (2) is in electronic storage by a custodian providing an
30 electronic communication service to the public or is carried

1 or maintained by a custodian providing a remote computing
2 service to the public; and

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

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

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

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

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

15 "Electronic communication." As defined in 18 U.S.C. §
16 2510(12) (relating to definitions).

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

20 "Electronic communications system." As defined in 18 U.S.C.
21 § 2510(14).

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

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

27 "Online tool." An electronic service provided by a custodian
28 which allows the user, in an agreement distinct from the terms-
29 of-service agreement between the custodian and user, to provide
30 directions for disclosure or nondisclosure of digital assets to

1 a third person.

2 "Person." An individual, estate, business or nonprofit
3 entity, public corporation, government or governmental
4 subdivision, agency or instrumentality or other legal entity.

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

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

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

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

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

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

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

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

25 § 3903. Applicability.

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

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

30 (2) a personal representative acting for a decedent who

1 died before, on or after the effective date of this section;

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

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

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

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

13 § 3904. User direction for disclosure of digital assets.

14 (a) Use of online tool.--

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

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

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

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

6 (a) Alteration of rights under this chapter.--This chapter
7 does not change nor impair a right of a custodian or a user
8 under a terms-of-service agreement to access and use digital
9 assets of the user.

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

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

19 § 3906. Procedure for disclosing digital assets.

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

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

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

29 (3) provide a fiduciary or designated recipient a copy
30 in a record of any digital asset which, on the date the

1 custodian received the request for disclosure, the user could
2 have accessed if the user were alive and had full capacity
3 and access to the account.

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

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

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

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

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

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

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

24 § 3907. Disclosure of content of electronic communications of
25 deceased user.

26 If a deceased user consented to or a court directs disclosure
27 of the content of electronic communications of the user, the
28 custodian shall disclose to the personal representative of the
29 estate of the user the content of an electronic communication
30 sent or received by the user if the personal representative

1 gives the custodian:

2 (1) a written request for disclosure in physical or
3 electronic form;

4 (2) a certified copy of the death certificate of the
5 user;

6 (3) a certified copy of the letters;

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

11 (5) if requested by the custodian:

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

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

16 (iii) a finding by the court that:

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

20 (B) disclosure of the content of electronic
21 communications of the user would not violate 18
22 U.S.C. Ch. 121 (relating to stored wire and
23 electronic communications and transactional records
24 access), section 222 of the Communications Act of
25 1934 (48 Stat. 1064, 47 U.S.C. § 222) or other
26 applicable law;

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

30 (D) disclosure of the content of electronic

1 communications of the user is reasonably necessary
2 for administration of the estate.

3 § 3908. Disclosure of other digital assets of deceased user.

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

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

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

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

17 (4) if requested by the custodian:

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

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

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

25 (iv) a finding of the court that:

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

29 (B) disclosure of the user's digital assets is
30 reasonably necessary for administration of the

1 estate.

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

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

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

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

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

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

28 § 3909. Disclosure of content of electronic communications of
29 principal.

30 To the extent a power of attorney expressly grants an agent

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

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

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

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

13 (4) 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 principal's account; or

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

18 § 3910. Disclosure of other digital assets of principal.

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

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

29 (2) an original or a copy of the power of attorney that
30 gives the agent specific authority over digital assets or

1 general authority to act on behalf of the principal;

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

6 (4) if requested by the custodian:

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

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

11 § 3911. Disclosure of digital assets held in trust when trustee
12 is original user.

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

18 § 3912. Disclosure of contents of electronic communications
19 held in trust when trustee not original user.

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

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

29 (2) a certified copy of the trust instrument or a
30 certification of the trust under section 7790.3 (relating to

1 certification of trust - UTC 1013), which includes consent to
2 disclosure of the content of electronic communications to the
3 trustee;

4 (3) a certification by the trustee, under penalty of
5 perjury, that the trust exists and the trustee is a currently
6 acting trustee of the trust; 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 trust's account; or

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

12 § 3913. Disclosure of other digital assets held in trust when
13 trustee not original user.

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

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

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

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

1 (4) if requested by the custodian:

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

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

6 § 3914. Disclosure of digital assets to guardian of the estate.

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

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

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

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

22 (3) if requested by the custodian:

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

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

29 (c) Account activity.--A guardian of the estate with general
30 authority to manage the assets of a protected person may request

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

6 § 3915. Fiduciary duty and authority.

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

10 (1) the duty of care;

11 (2) the duty of loyalty; and

12 (3) the duty of confidentiality.

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

15 (1) except as otherwise provided in section 3904
16 (relating to user direction for disclosure of digital
17 assets), is subject to the applicable terms of service;

18 (2) is subject to other applicable law, including
19 copyright law;

20 (3) is limited by the scope of the fiduciary's duties;
21 and

22 (4) may not be used to impersonate the user.

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

26 (1) in which the decedent, protected person, principal
27 or settlor had a right or interest; and

28 (2) which is not held by a custodian or subject to a
29 terms-of-service agreement.

30 (d) Authorized user.--A fiduciary acting within the scope of

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

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

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

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

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

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

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

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

27 (3) if requested by the custodian:

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

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

5 § 3916. Custodian compliance and immunity.

6 (a) Requirement.--Not later than 60 days after receipt of
7 the information required under sections 3907 (relating to
8 disclosure of content of electronic communications of deceased
9 user), 3908 (relating to disclosure of other digital assets of
10 deceased user), 3909 (relating to disclosure of content of
11 electronic communications of principal), 3910 (relating to
12 disclosure of other digital assets of principal), 3911 (relating
13 to disclosure of digital assets held in trust when trustee is
14 original user), 3912 (relating to disclosure of contents of
15 electronic communications held in trust when trustee not
16 original user), 3913 (relating to disclosure of other digital
17 assets held in trust when trustee not original user), 3914
18 (relating to disclosure of digital assets to guardian of the
19 estate) and 3915 (relating to fiduciary duty and authority), a
20 custodian shall comply with a request under this chapter from a
21 fiduciary or designated recipient to disclose digital assets or
22 terminate an account. If the custodian fails to comply, the
23 fiduciary or designated representative may apply to the court
24 for an order directing compliance.

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

29 (c) Notification.--A custodian may notify the user that a
30 request for disclosure or to terminate an account was made under

1 this chapter.

2 (d) Lawful access following termination request.--A
3 custodian may deny a request under this chapter from a fiduciary
4 or designated recipient for disclosure of digital assets or to
5 terminate an account if the custodian is aware of any lawful
6 access to the account following the receipt of the fiduciary's
7 request.

8 (e) Additional court orders.--This chapter does not limit a
9 custodian's ability to obtain or require a fiduciary or
10 designated recipient requesting disclosure or termination under
11 this chapter to obtain a court order which:

12 (1) specifies that an account belongs to the protected
13 person or principal;

14 (2) specifies that there is sufficient consent from the
15 protected person or principal to support the requested
16 disclosure; and

17 (3) contains a finding required by law other than this
18 chapter.

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

22 § 3917. Uniformity of application and construction.

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

26 § 3918. Relation to Electronic Signatures in Global and
27 National Commerce Act.

28 To the extent permitted by section 102 of the Electronic
29 Signatures in Global and National Commerce Act (Public Law 106-
30 229, 15 U.S.C. § 7002), this chapter may supersede provisions of

1 that act.

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

4 § 5601.4. Authority that requires specific and general grant of
5 authority.

6 (a) General rule.--An agent under a power of attorney may do
7 the following on behalf of the principal or with the principal's
8 property only if the power of attorney expressly grants the
9 agent the authority and exercise of the authority is not
10 otherwise prohibited by another agreement or instrument to which
11 the authority or property is subject:

12 * * *

13 (9) Access the electronic communications and digital
14 asset of the principal. As used in this paragraph, the
15 following words and phrases shall have the meanings given to
16 them in this subsection unless the context clearly indicates
17 otherwise:

18 "Digital asset." As defined in section 3902
19 (relating to definitions).

20 "Electronic communication." As defined in section
21 3902.

22 * * *

23 Section 4. The addition of 20 Pa.C.S. § 5601.4(a)(9) shall
24 apply to a power of attorney executed on or after the effective
25 date of this section.

26 Section 5. This act shall take effect in 180 days.