

§10-116. Custodian compliance and immunity

1. Disclose or terminate upon request; court order. Not later than 60 days after receipt of the information required under sections 10-107 to 10-115, a custodian shall comply with a request under this Act from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

2. Finding that compliance not in violation. An order under subsection 1 directing compliance must contain a finding that compliance is not in violation of 18 United States Code, Section 2702.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

3. Notification to user. A custodian may notify the user that a request for disclosure or to terminate an account was made under this Act.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

4. Denial of request if subsequent lawful access. A custodian may deny a request under this Act from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

5. Court order. This Act does not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under this Act to obtain a court order that:

A. Specifies that an account belongs to the protected person or principal; [PL 2019, c. 417, Pt. A, §107 (NEW).]

B. Specifies that there is sufficient consent from the protected person or principal to support the requested disclosure; and [PL 2019, c. 417, Pt. A, §107 (NEW).]

C. Contains a finding required by law other than this Act. [PL 2019, c. 417, Pt. A, §107 (NEW).]
[PL 2019, c. 417, Pt. A, §107 (NEW).]

6. Immunity. A custodian and its officers, employees and agents are immune from liability for an act or omission done in good faith in compliance with this Act.

[PL 2019, c. 417, Pt. A, §107 (NEW).]

SECTION HISTORY

PL 2019, c. 417, Pt. A, §107 (NEW).

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