

**PROPOSED AMENDMENTS TO  
SENATE BILL 369**

1 On page 1 of the printed bill, line 9, delete “(B)” and insert “(b)”.

2 In line 16, delete “not readily accessible”.

3 Delete line 17 and insert “concerning the substance or meaning of an  
4 electronic communication that:

5 “(a) Has been sent or received by an account holder;

6 “(b) Is held in electronic storage by a custodian that is an electronic  
7 communication service or is carried or maintained by a custodian that is a  
8 remote computing service; and

9 “(c) Is not readily available to the public.”.

10 On page 2, line 31, delete “sent or received by the decedent”.

11 In line 32, delete “electronic communication service or remote computing  
12 service” and insert “custodian”.

13 In line 38, delete “sent or received by the protected person”.

14 In line 39, delete “electronic communication service or remote computing  
15 service” and insert “custodian”.

16 On page 3, delete line 2.

17 In line 3, delete “puting service” and insert “if the custodian”.

18 In line 15, delete “sent or received by the original or any”.

19 Delete line 16.

20 In line 17, delete “vice” and insert “if the custodian”.

21 Delete lines 31 through 35 and insert:

22 “(2) Unless an account holder, after the effective date of this 2015 Act,

1 agrees to a provision in a terms of service agreement that limits a fiduciary's  
2 access to a digital asset of the account holder by an affirmative act separate  
3 from the account holder's assent to other provisions of the agreement:

4       “(a) The provision is void as against the strong public policy of this state;  
5 and

6       “(b) The fiduciary's access under this 2015 Act to a digital asset does not  
7 violate the terms of service agreement even if the agreement requires notice  
8 of a change in the account holder's status.”.

9       Delete lines 39 through 42.

10       In line 43, delete “(5)” and insert “(4)”.

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