

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0667.01 Richard Sweetman x4333

HOUSE BILL 15-1189

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HOUSE SPONSORSHIP

Keyser,

SENATE SPONSORSHIP

Steadman,

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE "COLORADO UNIFORM FIDUCIARY ACCESS TO  
102 DIGITAL ASSETS ACT".

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Colorado Commission on Uniform State Laws.** The bill enacts the "Uniform Fiduciary Access to Digital Assets Act", as amended, as Colorado law. The bill sets forth the conditions under which certain fiduciaries may access:

- ! The content of an electronic communication of a principal or decedent;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*



1 ELECTRONIC COMMUNICATIONS.

2 (4) "CATALOGUE OF ELECTRONIC COMMUNICATIONS" MEANS  
3 INFORMATION THAT IDENTIFIES EACH PERSON WITH WHICH AN ACCOUNT  
4 HOLDER HAS HAD AN ELECTRONIC COMMUNICATION, THE TIME AND DATE  
5 OF THE COMMUNICATION, AND THE ELECTRONIC ADDRESS OF THE PERSON.

6 (5) "CONSERVATOR" MEANS A PERSON APPOINTED BY A COURT TO  
7 MANAGE THE ESTATE OF A LIVING INDIVIDUAL. THE TERM INCLUDES A  
8 LIMITED CONSERVATOR.

9 (6) "CONTENT OF AN ELECTRONIC COMMUNICATION" MEANS  
10 INFORMATION CONCERNING THE SUBSTANCE OR MEANING OF A  
11 COMMUNICATION THAT:

12 (a) HAS BEEN SENT OR RECEIVED BY AN ACCOUNT HOLDER;

13 (b) IS IN ELECTRONIC STORAGE BY A CUSTODIAN PROVIDING AN  
14 ELECTRONIC COMMUNICATION SERVICE TO THE PUBLIC OR IS CARRIED OR  
15 MAINTAINED BY A CUSTODIAN PROVIDING A REMOTE-COMPUTING SERVICE  
16 TO THE PUBLIC; AND

17 (c) IS NOT READILY ACCESSIBLE TO THE PUBLIC.

18 (7) "COURT" MEANS A DISTRICT COURT OR THE PROBATE COURT  
19 FOR THE CITY AND COUNTY OF DENVER.

20 (8) "CUSTODIAN" MEANS A PERSON WHO CARRIES, MAINTAINS,  
21 PROCESSES, RECEIVES, OR STORES A DIGITAL ASSET OF AN ACCOUNT  
22 HOLDER.

23 (9) "DIGITAL ASSET" MEANS A RECORD THAT IS ELECTRONIC. THE  
24 TERM DOES NOT INCLUDE AN UNDERLYING ASSET OR LIABILITY UNLESS  
25 THE ASSET OR LIABILITY IS ITSELF A RECORD THAT IS ELECTRONIC.

26 (10) "ELECTRONIC" MEANS RELATING TO TECHNOLOGY HAVING  
27 ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL,

1 ELECTROMAGNETIC, OR SIMILAR CAPABILITIES.

2 (11) "ELECTRONIC COMMUNICATION" HAS THE SAME MEANING AS  
3 SET FORTH IN 18 U.S.C. SEC. 2510 (12), AS AMENDED.

4 (12) "ELECTRONIC COMMUNICATION SERVICE" MEANS A  
5 CUSTODIAN THAT PROVIDES TO AN ACCOUNT HOLDER THE ABILITY TO  
6 SEND OR RECEIVE AN ELECTRONIC COMMUNICATION.

7 (13) "FIDUCIARY" MEANS AN ORIGINAL, ADDITIONAL, OR  
8 SUCCESSOR PERSONAL REPRESENTATIVE, CONSERVATOR, AGENT, OR  
9 TRUSTEE.

10 (14) "GOVERNING INSTRUMENT" MEANS A WILL, TRUST,  
11 INSTRUMENT CREATING A POWER OF ATTORNEY, OR OTHER DISPOSITIVE OR  
12 NOMINATIVE INSTRUMENT.

13 (15) "INFORMATION" MEANS DATA, TEXT, IMAGES, VIDEOS,  
14 SOUNDS, CODES, COMPUTER PROGRAMS, SOFTWARE, DATABASES, OR THE  
15 LIKE.

16 (16) "PERSON" MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR  
17 NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR  
18 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, OR OTHER  
19 LEGAL ENTITY.

20 (17) "PERSONAL REPRESENTATIVE" MEANS AN EXECUTOR,  
21 ADMINISTRATOR, SPECIAL ADMINISTRATOR, OR PERSON THAT PERFORMS  
22 SUBSTANTIALLY THE SAME FUNCTION UNDER THE LAWS OF THIS STATE.

23 (18) "POWER OF ATTORNEY" MEANS A RECORD THAT GRANTS AN  
24 AGENT AUTHORITY TO ACT IN THE PLACE OF A PRINCIPAL.

25 (19) "PRINCIPAL" MEANS AN INDIVIDUAL WHO GRANTS AUTHORITY  
26 TO AN AGENT IN A POWER OF ATTORNEY.

27 (20) "PROTECTED PERSON" MEANS AN INDIVIDUAL FOR WHOM A

1 CONSERVATOR HAS BEEN APPOINTED. THE TERM INCLUDES AN INDIVIDUAL  
2 FOR WHOM AN APPLICATION FOR THE APPOINTMENT OF A CONSERVATOR  
3 IS PENDING.

4 (21) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A  
5 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER  
6 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

7 (22) "REMOTE COMPUTING SERVICE" MEANS A CUSTODIAN THAT  
8 PROVIDES TO AN ACCOUNT HOLDER COMPUTER PROCESSING SERVICES OR  
9 THE STORAGE OF DIGITAL ASSETS BY MEANS OF AN ELECTRONIC  
10 COMMUNICATIONS SYSTEM, AS DEFINED IN 18 U.S.C. SEC. 2510 (14), AS  
11 AMENDED.

12 (23) "TERMS-OF-SERVICE AGREEMENT" MEANS AN AGREEMENT  
13 THAT CONTROLS THE RELATIONSHIP BETWEEN AN ACCOUNT HOLDER AND  
14 A CUSTODIAN.

15 (24) "TRUSTEE" MEANS A FIDUCIARY WITH LEGAL TITLE TO  
16 PROPERTY PURSUANT TO AN AGREEMENT OR DECLARATION THAT CREATES  
17 A BENEFICIAL INTEREST IN ANOTHER. THE TERM INCLUDES A SUCCESSOR  
18 TRUSTEE.

19 (25) "WILL" INCLUDES A CODICIL, A TESTAMENTARY INSTRUMENT  
20 THAT ONLY APPOINTS AN EXECUTOR, AND AN INSTRUMENT THAT REVOKES  
21 OR REVISES A TESTAMENTARY INSTRUMENT.

22 **15-1-1503. Applicability.** (1) THIS PART 15 APPLIES TO:

23 (a) A FIDUCIARY OR AGENT ACTING UNDER A WILL OR POWER OF  
24 ATTORNEY EXECUTED BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS  
25 PART 15;

26 (b) A PERSONAL REPRESENTATIVE ACTING FOR A DECEDENT WHO  
27 DIED BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS PART 15;

1 (c) A CONSERVATORSHIP PROCEEDING, WHETHER PENDING IN A  
2 COURT OR COMMENCED BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF  
3 THIS PART 15; AND

4 (d) A TRUSTEE ACTING UNDER A TRUST CREATED BEFORE, ON, OR  
5 AFTER THE EFFECTIVE DATE OF THIS PART 15.

6 (2) THIS PART 15 DOES NOT APPLY TO A DIGITAL ASSET OF AN  
7 EMPLOYER USED BY AN EMPLOYEE IN THE ORDINARY COURSE OF THE  
8 EMPLOYER'S BUSINESS.

9 **15-1-1504. Access by personal representative to digital asset**  
10 **of decedent.** (1) SUBJECT TO SECTION 15-1-1508 (2), AND UNLESS  
11 OTHERWISE ORDERED BY THE COURT OR PROVIDED IN THE WILL OF A  
12 DECEDENT, THE PERSONAL REPRESENTATIVE OF THE DECEDENT HAS THE  
13 RIGHT TO ACCESS:

14 (a) THE CONTENT OF AN ELECTRONIC COMMUNICATION THAT THE  
15 CUSTODIAN IS PERMITTED TO DISCLOSE UNDER THE "ELECTRONIC  
16 COMMUNICATIONS PRIVACY ACT", 18 U.S.C. SEC. 2702(b), AS AMENDED;

17 (b) ANY CATALOG OF ELECTRONIC COMMUNICATIONS SENT OR  
18 RECEIVED BY THE DECEDENT; AND

19 (c) ANY OTHER DIGITAL ASSET IN WHICH THE DECEDENT HAD A  
20 RIGHT OR INTEREST AT DEATH.

21 **15-1-1505. Access by conservator to digital asset of protected**  
22 **person.** (1) SUBJECT TO SECTION 15-1-1508 (2), THE COURT, AFTER AN  
23 OPPORTUNITY FOR HEARING UNDER ARTICLE 14 OR 14.5 OF THIS TITLE,  
24 MAY GRANT A CONSERVATOR THE RIGHT TO ACCESS:

25 (a) THE CONTENT OF AN ELECTRONIC COMMUNICATION THAT THE  
26 CUSTODIAN IS PERMITTED TO DISCLOSE UNDER THE "ELECTRONIC  
27 COMMUNICATIONS PRIVACY ACT", 18 U.S.C. SEC. 2702(b), AS AMENDED;

1 (b) ANY CATALOGUE OF ELECTRONIC COMMUNICATIONS SENT OR  
2 RECEIVED BY THE PROTECTED PERSON; AND

3 (c) ANY OTHER DIGITAL ASSET IN WHICH THE PROTECTED PERSON  
4 HAS A RIGHT OR INTEREST.

5 **15-1-1506. Access by agent to digital asset of principal.** (1) TO  
6 THE EXTENT A POWER OF ATTORNEY EXPRESSLY GRANTS AN AGENT  
7 AUTHORITY OVER THE CONTENT OF AN ELECTRONIC COMMUNICATION OF  
8 THE PRINCIPAL, AND EXCEPT AS DESCRIBED IN SECTION 15-1-1508 (2), THE  
9 AGENT HAS THE RIGHT TO ACCESS THE CONTENT OF AN ELECTRONIC  
10 COMMUNICATION THAT THE CUSTODIAN IS PERMITTED TO DISCLOSE UNDER  
11 THE "ELECTRONIC COMMUNICATIONS PRIVACY ACT", 18 U.S.C. SEC.  
12 2702(b), AS AMENDED.

13 (2) EXCEPT AS DESCRIBED IN SECTION 15-1-1508 (2), AND UNLESS  
14 OTHERWISE ORDERED BY THE COURT OR PROVIDED BY A POWER OF  
15 ATTORNEY, AN AGENT HAS THE RIGHT TO ACCESS:

16 (a) ANY CATALOG OF ELECTRONIC COMMUNICATIONS SENT OR  
17 RECEIVED BY THE PRINCIPAL; AND

18 (b) ANY OTHER DIGITAL ASSET IN WHICH THE PRINCIPAL HAS A  
19 RIGHT OR INTEREST.

20 **15-1-1507. Access by trustee to digital asset.** (1) EXCEPT AS  
21 DESCRIBED IN SECTION 15-1-1508 (2), AND UNLESS OTHERWISE ORDERED  
22 BY THE COURT OR PROVIDED IN A TRUST, A TRUSTEE THAT IS AN ORIGINAL  
23 ACCOUNT HOLDER HAS THE RIGHT TO ACCESS ANY DIGITAL ASSET HELD IN  
24 TRUST, INCLUDING ANY CATALOG OF ELECTRONIC COMMUNICATIONS OF  
25 THE TRUSTEE AND THE CONTENT OF AN ELECTRONIC COMMUNICATION.

26 (2) EXCEPT AS DESCRIBED IN SECTION 15-1-1508 (2), AND UNLESS  
27 OTHERWISE ORDERED BY THE COURT OR PROVIDED IN A TRUST, A TRUSTEE

1 THAT IS NOT AN ORIGINAL ACCOUNT HOLDER HAS THE RIGHT TO ACCESS:

2 (a) THE CONTENT OF AN ELECTRONIC COMMUNICATION THAT THE  
3 CUSTODIAN IS PERMITTED TO DISCLOSE UNDER THE "ELECTRONIC  
4 COMMUNICATIONS PRIVACY ACT", 18 U.S.C. SEC. 2702(b), AS AMENDED;

5 (b) ANY CATALOG OF ELECTRONIC COMMUNICATIONS SENT OR  
6 RECEIVED BY THE ORIGINAL OR ANY SUCCESSOR ACCOUNT HOLDER; AND

7 (c) ANY OTHER DIGITAL ASSET IN WHICH THE ORIGINAL OR ANY  
8 SUCCESSOR ACCOUNT HOLDER HAS A RIGHT OR INTEREST.

9 **15-1-1508. Fiduciary authority.** (1) A FIDUCIARY THAT IS AN  
10 ACCOUNT HOLDER OR THAT HAS THE RIGHT UNDER THIS PART 15 TO  
11 ACCESS A DIGITAL ASSET OF AN ACCOUNT HOLDER:

12 (a) EXCEPT AS OTHERWISE PROVIDED BY A TERMS-OF-SERVICE  
13 AGREEMENT, COPYRIGHT LAW, AND OTHER APPLICABLE LAW, MAY TAKE  
14 ANY ACTION CONCERNING THE ASSET TO THE EXTENT OF THE ACCOUNT  
15 HOLDER'S AUTHORITY AND THE FIDUCIARY'S POWER UNDER THE LAW OF  
16 THIS STATE;

17 (b) HAS, FOR THE PURPOSE OF APPLICABLE ELECTRONIC PRIVACY  
18 LAWS, THE LAWFUL CONSENT OF THE ACCOUNT HOLDER FOR THE  
19 CUSTODIAN TO DIVULGE THE CONTENT OF AN ELECTRONIC  
20 COMMUNICATION TO THE FIDUCIARY; AND

21 (c) IS, FOR THE PURPOSES OF ANY APPLICABLE COMPUTER FRAUD  
22 AND UNAUTHORIZED COMPUTER ACCESS LAWS, INCLUDING ARTICLE 5.5 OF  
23 TITLE 18, C.R.S., AN AUTHORIZED USER.

24 (2) UNLESS AN ACCOUNT HOLDER AGREES AFTER THE EFFECTIVE  
25 DATE OF THIS PART 15 TO A PROVISION IN A TERMS-OF-SERVICE  
26 AGREEMENT THAT LIMITS A FIDUCIARY'S ACCESS TO A DIGITAL ASSET OF  
27 THE ACCOUNT HOLDER BY AN AFFIRMATIVE ACT SEPARATE FROM THE



1 ACCOUNT HOLDER'S ASSENT TO OTHER PROVISIONS OF THE AGREEMENT:

2 (a) THE PROVISION IS VOID AS CONTRARY TO THE STRONG PUBLIC  
3 POLICY OF THIS STATE; AND

4 (b) THE FIDUCIARY'S ACCESS UNDER THIS PART 15 TO A DIGITAL  
5 ASSET DOES NOT VIOLATE THE TERMS-OF-SERVICE AGREEMENT EVEN IF  
6 THE AGREEMENT REQUIRES NOTICE OF A CHANGE IN THE ACCOUNT  
7 HOLDER'S STATUS.

8 (3) A CHOICE-OF-LAW PROVISION IN A TERMS-OF-SERVICE  
9 AGREEMENT IS UNENFORCEABLE AGAINST A FIDUCIARY ACTING UNDER  
10 THIS PART 15 TO THE EXTENT THE PROVISION DESIGNATES LAW THAT  
11 ENFORCES A LIMITATION ON A FIDUCIARY'S ACCESS TO A DIGITAL ASSET,  
12 AND THE LIMITATION IS VOID UNDER SUBSECTION (2) OF THIS SECTION.

13 (4) AS TO TANGIBLE PERSONAL PROPERTY CAPABLE OF RECEIVING,  
14 STORING, PROCESSING, OR SENDING A DIGITAL ASSET, A FIDUCIARY WITH  
15 AUTHORITY OVER THE PROPERTY OF A DECEDENT, PROTECTED PERSON,  
16 PRINCIPAL, OR SETTLOR:

17 (a) HAS THE RIGHT TO ACCESS THE PROPERTY AND ANY DIGITAL  
18 ASSET STORED IN IT; AND

19 (b) IS AN AUTHORIZED USER FOR PURPOSES OF ANY APPLICABLE  
20 COMPUTER FRAUD AND UNAUTHORIZED COMPUTER ACCESS LAWS,  
21 INCLUDING ARTICLE 5.5 OF TITLE 18, C.R.S.

22 **15-1-1509. Compliance.** (1) IF A FIDUCIARY WITH A RIGHT UNDER  
23 THIS PART 15 TO ACCESS A DIGITAL ASSET OF AN ACCOUNT HOLDER  
24 COMPLIES WITH SUBSECTION (2) OF THIS SECTION, THE CUSTODIAN SHALL  
25 COMPLY WITH THE FIDUCIARY'S REQUEST IN A RECORD FOR:

26 (a) ACCESS TO THE ASSET;

27 (b) CONTROL OF THE ASSET; AND

1 (c) A COPY OF THE ASSET TO THE EXTENT PERMITTED BY  
2 COPYRIGHT LAW.

3 (2) (a) IF A REQUEST UNDER SUBSECTION (1) OF THIS SECTION IS  
4 MADE BY A PERSONAL REPRESENTATIVE WITH THE RIGHT OF ACCESS  
5 UNDER SECTION 15-1-1504, THE REQUEST MUST BE ACCOMPANIED BY:

6 (I) A CERTIFIED COPY OF THE LETTER OF APPOINTMENT OF THE  
7 REPRESENTATIVE; OR

8 (II) A SMALL-ESTATE AFFIDAVIT OR COURT ORDER.

9 (b) IF A REQUEST UNDER SUBSECTION (1) OF THIS SECTION IS MADE  
10 BY A CONSERVATOR WITH THE RIGHT OF ACCESS UNDER SECTION  
11 15-1-1505, THE REQUEST MUST BE ACCOMPANIED BY A CERTIFIED COPY OF  
12 THE COURT ORDER THAT GIVES THE CONSERVATOR AUTHORITY OVER THE  
13 DIGITAL ASSET.

14 (c) IF A REQUEST UNDER SUBSECTION (1) OF THIS SECTION IS MADE  
15 BY AN AGENT WITH THE RIGHT OF ACCESS UNDER SECTION 15-1-1506, THE  
16 REQUEST MUST BE ACCOMPANIED BY AN ORIGINAL OR A COPY OF THE  
17 POWER OF ATTORNEY THAT AUTHORIZES THE AGENT TO EXERCISE  
18 AUTHORITY OVER THE DIGITAL ASSET AND A CERTIFICATION OF THE  
19 AGENT, UNDER PENALTY OF PERJURY, THAT THE POWER OF ATTORNEY IS  
20 IN EFFECT.

21 (d) IF A REQUEST UNDER SUBSECTION (1) OF THIS SECTION IS MADE  
22 BY A TRUSTEE WITH THE RIGHT OF ACCESS UNDER SECTION 15-1-1507, THE  
23 REQUEST MUST BE ACCOMPANIED BY A CERTIFIED COPY OF THE TRUST  
24 INSTRUMENT.

25 (3) A CUSTODIAN SHALL COMPLY WITH A REQUEST MADE UNDER  
26 SUBSECTION (1) OF THIS SECTION NOT LATER THAN SIXTY DAYS AFTER  
27 RECEIPT. IF THE CUSTODIAN FAILS TO COMPLY, THE FIDUCIARY MAY APPLY

1 TO THE COURT FOR AN ORDER DIRECTING COMPLIANCE.

2 (4) AS DESCRIBED IN PARAGRAPH (d) OF SUBSECTION (2) OF THIS  
3 SECTION, INSTEAD OF FURNISHING A COPY OF THE TRUST INSTRUMENT, A  
4 TRUSTEE MAY PROVIDE A CERTIFICATION OF TRUST. THE CERTIFICATION:

5 (a) MUST CONTAIN THE FOLLOWING INFORMATION:

6 (I) A STATEMENT THAT THE TRUST EXISTS AND THE DATE THE  
7 TRUST INSTRUMENT WAS EXECUTED;

8 (II) THE IDENTITY OF THE SETTLOR;

9 (III) THE IDENTITY AND ADDRESS OF THE TRUSTEE;

10 (IV) A STATEMENT THAT THERE IS NOTHING INCONSISTENT IN THE  
11 TRUST WITH RESPECT TO THE TRUSTEE'S POWERS OVER DIGITAL ASSETS;

12 (V) A STATEMENT INDICATING WHETHER THE TRUST IS REVOCABLE  
13 AND, IF SO, THE IDENTITY OF ANY PERSON HOLDING A POWER TO REVOKE  
14 THE TRUST;

15 (VI) A STATEMENT INDICATING WHETHER A COTRUSTEE HAS  
16 AUTHORITY TO SIGN OR OTHERWISE AUTHENTICATE; AND

17 (VII) A STATEMENT INDICATING WHETHER ALL OR FEWER THAN  
18 ALL COTRUSTEES ARE REQUIRED TO EXERCISE POWERS OF THE TRUSTEE;

19 (b) MUST BE SIGNED OR OTHERWISE AUTHENTICATED BY A  
20 TRUSTEE;

21 (c) MUST STATE THAT THE TRUST HAS NOT BEEN REVOKED,  
22 MODIFIED, OR AMENDED IN A MANNER THAT WOULD CAUSE THE  
23 REPRESENTATIONS CONTAINED IN THE CERTIFICATION OF TRUST TO BE  
24 INCORRECT; AND

25 (d) NEED NOT CONTAIN THE DISPOSITIVE TERMS OF THE TRUST.

26 (5) A CUSTODIAN THAT RECEIVES A CERTIFICATION UNDER  
27 SUBSECTION (4) OF THIS SECTION MAY REQUIRE THE TRUSTEE TO PROVIDE

1 COPIES OF EXCERPTS FROM THE ORIGINAL TRUST INSTRUMENT AND LATER  
2 AMENDMENTS DESIGNATING THE TRUSTEE AND CONFERRING ON THE  
3 TRUSTEE THE POWER TO ACT IN THE PENDING TRANSACTION.

4 (6) A CUSTODIAN THAT ACTS IN RELIANCE ON A CERTIFICATION  
5 PROVIDED UNDER SUBSECTION (4) OF THIS SECTION WITHOUT KNOWLEDGE  
6 THAT THE REPRESENTATIONS CONTAINED IN IT ARE INCORRECT IS NOT  
7 LIABLE TO ANY PERSON FOR SO ACTING AND MAY ASSUME WITHOUT  
8 INQUIRY THE EXISTENCE OF FACTS STATED IN THE CERTIFICATION.

9 (7) A PERSON WHO IN GOOD FAITH ENTERS INTO A TRANSACTION  
10 IN RELIANCE ON A CERTIFICATION PROVIDED UNDER SUBSECTION (4) OF  
11 THIS SECTION MAY ENFORCE THE TRANSACTION AGAINST THE TRUST  
12 PROPERTY AS IF THE REPRESENTATIONS CONTAINED IN THE CERTIFICATION  
13 WERE CORRECT.

14 (8) A PERSON WHO DEMANDS THE TRUST INSTRUMENT IN ADDITION  
15 TO A CERTIFICATION PROVIDED UNDER SUBSECTION (4) OF THIS SECTION  
16 OR EXCERPTS PROVIDED UNDER SUBSECTION (5) OF THIS SECTION IS LIABLE  
17 FOR DAMAGES, INCLUDING ATTORNEYS' FEES, IF THE COURT DETERMINES  
18 THAT THE PERSON DID NOT ACT IN GOOD FAITH IN DEMANDING THE  
19 INSTRUMENT.

20 (9) THIS SECTION DOES NOT LIMIT THE RIGHT OF A PERSON TO  
21 OBTAIN A COPY OF A TRUST INSTRUMENT IN A JUDICIAL PROCEEDING  
22 CONCERNING THE TRUST.

23 **15-1-1510. Custodian immunity.** A CUSTODIAN AND ITS  
24 OFFICERS, EMPLOYEES, AND AGENTS ARE IMMUNE FROM LIABILITY FOR AN  
25 ACT OR OMISSION DONE IN GOOD FAITH IN COMPLIANCE WITH THIS PART  
26 15.

27 **15-1-1511. Uniformity of application and construction.** IN

1 APPLYING AND CONSTRUING THIS UNIFORM ACT, COURTS SHALL GIVE  
2 CONSIDERATION TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH  
3 RESPECT TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

4 **15-1-1512. Relation to "Electronic Signatures in Global and**  
5 **National Commerce Act"**. THIS PART 15 MODIFIES, LIMITS, OR  
6 SUPERSEDES THE "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
7 COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ., BUT DOES NOT MODIFY,  
8 LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C. SEC.  
9 7001(c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES  
10 DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC. 7003(b).

11 **15-1-1513. Severability.** IF ANY PROVISION OF THIS PART 15 OR  
12 ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE  
13 INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF  
14 THIS PART 15 WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID  
15 PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS  
16 PART 15 ARE SEVERABLE.

17 **SECTION 2.** In Colorado Revised Statutes, 2-5-102, **add** (13) as  
18 follows:

19 **2-5-102. Inclusions - nonstatutory.** (13) THE REVISOR OF  
20 STATUTES SHALL INCLUDE IN THE PUBLICATION OF THE "COLORADO  
21 UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT", AS  
22 NONSTATUTORY MATTER, FOLLOWING EACH SECTION OF THE ARTICLE, THE  
23 FULL TEXT OF THE OFFICIAL COMMENTS TO THAT SECTION CONTAINED IN  
24 THE OFFICIAL VOLUME CONTAINING THE 2014 OFFICIAL TEXT OF THE  
25 "UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT" ISSUED BY THE  
26 NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS,  
27 WITH ANY CHANGES IN THE OFFICIAL COMMENTS OR COLORADO

1 COMMENTS TO CORRESPOND TO COLORADO CHANGES IN THE UNIFORM  
2 ACT. THE REVISOR OF STATUTES SHALL PREPARE THE COMMENTS AND  
3 APPROVE THEM FOR PUBLICATION BY THE COMMITTEE ON LEGAL SERVICES.

4 **SECTION 3. Act subject to petition - effective date.** This act  
5 takes effect at 12:01 a.m. on the day following the expiration of the  
6 ninety-day period after final adjournment of the general assembly (August  
7 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
8 referendum petition is filed pursuant to section 1 (3) of article V of the  
9 state constitution against this act or an item, section, or part of this act  
10 within such period, then the act, item, section, or part will not take effect  
11 unless approved by the people at the general election to be held in  
12 November 2016 and, in such case, will take effect on the date of the  
13 official declaration of the vote thereon by the governor.