
HOUSE BILL 1150

State of Washington

66th Legislature

2019 Regular Session

By Representative Reeves

Read first time 01/15/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to compliance requirements of the revised uniform
2 fiduciary access to digital assets act; amending RCW 11.120.160; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 11.120.160 and 2016 c 140 s 16 are each amended to
6 read as follows:

7 (1) Not later than sixty days after receipt of the information
8 required under RCW 11.120.070 through 11.120.150, a custodian shall
9 comply with a request under this chapter from a fiduciary or
10 designated recipient to disclose digital assets or terminate an
11 account. If the custodian fails to comply, the fiduciary or
12 designated recipient may apply to the court for an order directing
13 compliance. If the court finds that the custodian failed to comply
14 with the request in violation of the requirements of this chapter,
15 the court shall award to the fiduciary or designated recipient
16 reasonable attorneys' fees and costs in bringing the action and
17 impose the following penalties upon the custodian:

18 (a) For failure to comply within sixty days after the receipt of
19 the information required under RCW 11.120.070 through 11.120.150, a
20 penalty of ten thousand dollars; and

1 (b) For failure to comply within ninety days after the receipt of
2 the information required under RCW 11.120.070 through 11.120.150, a
3 penalty of twenty-five thousand dollars.

4 (2) An order under subsection (1) of this section directing
5 compliance must contain a finding that compliance is not in violation
6 of 18 U.S.C. Sec. 2702, as it existed on June 9, 2016.

7 (3) A custodian may notify the user that a request for disclosure
8 or to terminate an account was made under this chapter.

9 (4) A custodian may deny a request under this chapter from a
10 fiduciary or designated recipient for disclosure of digital assets or
11 to terminate an account if the custodian is aware of any lawful
12 access to the account following the receipt of the fiduciary's
13 request.

14 (5) This section does not limit a custodian's ability to obtain
15 or require a fiduciary or designated recipient requesting disclosure
16 or termination under this chapter to obtain a court order which:

17 (a) Specifies that an account belongs to the incapacitated
18 person, trustor, decedent, or principal;

19 (b) Specifies that there is sufficient consent from the
20 incapacitated person, trustor, decedent, or principal to support the
21 requested disclosure; and

22 (c) Contains a finding required by law other than this chapter.

23 (6) A custodian and its officers, employees, and agents are
24 immune from liability for an act or omission done in good faith in
25 compliance with this chapter.

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