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**HOUSE BILL 1150**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representative Reeves

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

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

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

(1) Not later than sixty days after receipt of the information required under RCW 11.120.070 through 11.120.150, a custodian shall comply with a request under this chapter 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. If the court finds that the custodian failed to comply with the request in violation of the requirements of this chapter, the court shall award to the fiduciary or designated recipient reasonable attorneys' fees and costs in bringing the action and impose the following penalties upon the custodian:

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

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

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

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

(4) A custodian may deny a request under this chapter 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.

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

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

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

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

(6) 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 chapter.

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