
DIGEST

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Thompson

HB No. 287

Abstract: Provides for the access to and administration of a digital account of a deceased minor.

Proposed law defines "digital account", "personal representative", and "terms of service agreement".

Proposed law provides that a personal representative of a deceased minor who was domiciled in this state at the time of his death may assume the deceased minor's terms of service agreement for a digital account with an Internet service provider, communications service provider, or other online account service provider consistent with 18 U.S.C. 2702, which provides for the voluntary disclosure of customer communications.

Proposed law shall not apply if such access is contrary to the express provisions of a testament, trust instrument, power of attorney, or court order.

Proposed law provides that an Internet, communications, or other online account service provider shall provide to the personal representative access to the deceased minor's communications and records pursuant to proposed law within 60 days from the receipt of a written request for such access by the personal representative and a copy of the death certificate of the deceased minor.

Proposed law provides that if the Internet, communications, or other online account service provider receives notice of a claim or dispute, such provider is not required to comply with any written request received pursuant to proposed law until a final nonappealable judgment is rendered by a court of competent jurisdiction.

Provides that nothing in proposed law shall be construed to require an Internet, communications, or other online account service provider to disclose any information in violation of any applicable state or federal law.

(Adds R.S. 9:1518)