

The Senate Committee on Judiciary offered the following substitute to  
SB 301:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 53 of the Official Code of Georgia Annotated, relating to wills, trusts, and  
2 administration of estates, so as to enact the "Revised Uniform Fiduciary Access to Digital  
3 Assets Act"; to extend a fiduciary's powers to include managing tangible property and digital  
4 assets; to provide for exceptions; to provide for a short title; to provide for definitions; to  
5 amend Chapter 6B of Title 10, Article 2 of Chapter 9 of Title 15, Title 29, and Code Section  
6 53-12-2 of the Official Code of Georgia Annotated, relating to the "Uniform Power of  
7 Attorney Act," jurisdiction, power, and duties of the probate court, guardian and ward, and  
8 definitions for trust, respectively, so as to provide conforming cross-references for a  
9 conservator; to provide for related matters; to provide for an effective date; to repeal  
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Title 53 of the Official Code of Georgia Annotated, relating to wills, trusts, and  
14 administration of estates, is amended by adding a new chapter to read as follows:

15 style="text-align:center">"CHAPTER 13

16 style="text-align:center">ARTICLE 1

17 53-13-1.

18 This chapter shall be known and may be cited as the 'Revised Uniform Fiduciary Access  
19 to Digital Assets Act.'

20 53-13-2.

21 As used in this chapter, the term:

22 (1) 'Account' means an arrangement under a terms-of-service agreement in which a  
23 custodian provides goods or services to the user.

24 (2) 'Agent' means an attorney in fact granted authority under a durable or nondurable  
25 power of attorney, including a person granted authority to act in the place of an individual  
26 under Chapter 6B of Title 10 and a person serving under a financial power of attorney  
27 created pursuant to Article 7 of Chapter 6 of Title 10 as it existed on June 30, 2017. Such  
28 term shall not include a health care agent, as defined in paragraph (6) of Code Section  
29 31-32-2, nor a person serving under a conditional power of attorney, as defined in  
30 subsection (a) of Code Section 10-6-6, unless the conditional power of attorney has  
31 become effective at a specified time or on the occurrence of a specified event or  
32 contingency.

33 (3) 'Catalogue of electronic communications' means information that identifies each  
34 person with which a user has had an electronic communication, the time and date of the  
35 communication, and the electronic address of the person.

36 (4)(A) 'Conservator' means a person appointed:

37 (i) Pursuant to Code Section 7-1-640 or 7-1-643;

38 (ii) By a court to manage the estate of a living individual; or

39 (iii) By a court pursuant to Article 2 of Chapter 9 of this title to manage the estate of  
40 an individual who is missing or believed to be dead.

41 (B) Such term shall include a guardian of the property appointed prior to July 1, 2005.

42 (5) 'Content of an electronic communication' means information concerning the  
43 substance or meaning of the communication which:

44 (A) Has been sent or received by a user;

45 (B) Is in electronic storage by a custodian providing an electronic communication  
46 service to the public or is carried or maintained by a custodian providing a remote  
47 computing service to the public; and

48 (C) Is not readily accessible to the public.

49 (6) 'Court' means the probate court.

50 (7) 'Custodian' means a person that engages in the transmission of, maintains, processes,  
51 receives, or stores a digital asset or electronic communication of another person.

52 (8) 'Designated recipient' means a person chosen by a user using an online tool to  
53 administer digital assets of the user.

54 (9) 'Digital asset' means an electronic record in which an individual has a right or  
55 interest. Such term shall not include an underlying asset or liability unless the asset or  
56 liability is itself an electronic record.

57 (10) 'Electronic' means relating to technology having electrical, digital, magnetic,  
58 wireless, optical, electromagnetic, or similar capabilities.

59 (11) 'Electronic communication' has the meaning set forth in 18 U.S.C. Section 2510(12),  
60 effective January 1, 2018.

- 61 (12) 'Electronic communication service' means a custodian that provides to a user the  
62 ability to send or receive an electronic communication.
- 63 (13) 'Fiduciary' means an original, additional, or successor personal representative,  
64 conservator, agent, or trustee.
- 65 (14) 'Information' includes data, text, images, videos, sounds, codes, computer programs,  
66 software, and databases.
- 67 (15) 'Online tool' means an electronic service provided by a custodian that allows the  
68 user, in an agreement distinct from the terms-of-service agreement between the custodian  
69 and user, to provide directions for disclosure or nondisclosure of digital assets to a third  
70 person.
- 71 (16) 'Person' means an individual, estate, business or nonprofit entity, corporation,  
72 business trust, trust, partnership, limited liability company, association, unincorporated  
73 organization, joint venture, commercial entity, joint-stock company, public corporation,  
74 government or governmental subdivision, agency, instrumentality, other legal or  
75 commercial entity.
- 76 (17) 'Personal representative' means an executor, administrator, county administrator,  
77 administrator with the will annexed, or special administrator.
- 78 (18) 'Power of attorney' means a writing or other record that grants a person authority to  
79 act in the place of an individual, including a conditional power of attorney, as defined in  
80 subsection (a) of Code Section 10-6-6, a power of attorney created pursuant to Chapter  
81 6B of Title 10, and a financial power of attorney created pursuant to Article 7 of Chapter  
82 6 of Title 10 as it existed on June 30, 2017.
- 83 (19) 'Principal' means an individual who grants authority to a person to act in the place  
84 of such individual in a power of attorney.
- 85 (20) 'Protected person' means an individual for whom a conservator has been appointed,  
86 including a minor, as defined in Code Section 29-1-1, and a ward, as defined in Code  
87 Section 29-1-1. Such term shall include an individual for whom a petition for the  
88 appointment of a conservator is pending, including both a proposed ward, as defined in  
89 Code Section 29-1-1, and a respondent, as defined in Code Section 29-11-2.
- 90 (21) 'Record' means information that is inscribed on a tangible medium or that is stored  
91 in an electronic or other medium and is retrievable in perceivable form.
- 92 (22) 'Remote computing service' means a custodian that provides to a user  
93 computer-processing services or the storage of digital assets by means of an electronic  
94 communications system, as defined in 18 U.S.C. Section 2510(14), in effect on January 1,  
95 2018.
- 96 (23) 'Terms-of-service agreement' means an agreement that controls the relationship  
97 between a user and a custodian.

98 (24) 'Trustee' means a person with legal title to property under a trust instrument, as  
 99 defined in Code Section 53-12-2, that creates a beneficial interest in another. Such term  
 100 shall include a successor trustee.

101 (25) 'User' means a person whose digital asset or electronic communication is carried,  
 102 maintained, processed, received, or stored by a custodian or to which a custodian  
 103 provides services.

104 (26) 'Will' means the legal declaration of an individual's testamentary intention regarding  
 105 such individual's property or other matters. Such term shall include all codicils to such  
 106 legal declaration, a testamentary instrument that only appoints an executor, and an  
 107 instrument that revokes or revises a testamentary instrument.

108 53-13-3.

109 (a) This chapter shall apply to a:

110 (1) Fiduciary acting under a will or power of attorney;

111 (2) Personal representative acting for a decedent;

112 (3) Conservatorship; and

113 (4) Trustee.

114 (b) This chapter shall apply to a custodian if the user resides in this state or resided in this  
 115 state at the time of the user's death.

116 (c) This chapter shall not apply to a digital asset of an employer used by an employee in  
 117 the ordinary course of the employer's business.

118 ARTICLE 2

119 53-13-10.

120 (a) A user may use an online tool to direct the custodian to disclose to a designated  
 121 recipient or not to disclose some or all of the user's digital assets, including the content of  
 122 electronic communications. If the online tool allows the user to modify or delete a  
 123 direction at all times, a direction regarding disclosure using an online tool shall override  
 124 a contrary direction by the user in a will, trust, power of attorney, or other record.

125 (b) If a user has not used an online tool to give direction under subsection (a) of this Code  
 126 section or if the custodian has not provided an online tool, the user may allow or prohibit  
 127 in a will, trust, power of attorney, or other record disclosure to a fiduciary of some or all  
 128 of the user's digital assets, including the content of electronic communications sent or  
 129 received by the user.

130 (c) A user's direction under subsection (a) or (b) of this Code section shall override a  
131 contrary provision in a terms-of-service agreement that does not require the user to act  
132 affirmatively and distinctly from the user's assent to the terms of service.

133 53-13-11.

134 (a) This chapter shall not change or impair a right of a custodian or a user under a  
135 terms-of-service agreement to access and use digital assets of the user.

136 (b) This chapter shall not give a fiduciary or designated recipient any new or expanded  
137 rights other than those held by the user for whom, or for whose estate, the fiduciary or  
138 designated recipient acts or represents.

139 (c) A fiduciary's or designated recipient's access to digital assets may be modified or  
140 eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not  
141 provided direction under Code Section 53-13-10.

142 53-13-12.

143 (a) When disclosing digital assets of a user under this chapter, the custodian may at its sole  
144 discretion:

145 (1) Grant a fiduciary or designated recipient full access to the user's account;

146 (2) Grant a fiduciary or designated recipient partial access to the user's account sufficient  
147 to perform the tasks with which the fiduciary or designated recipient is charged; or

148 (3) Provide a fiduciary or designated recipient a copy in a record of any digital asset that,  
149 on the date the custodian received the request for disclosure, the user could have accessed  
150 if the user were alive and had full capacity and access to the account.

151 (b) A custodian may assess a reasonable administrative charge for the cost of disclosing  
152 digital assets under this chapter.

153 (c) A custodian need not disclose under this chapter a digital asset deleted by a user.

154 (d) If a user directs or a fiduciary requests a custodian to disclose under this chapter some,  
155 but not all, of the user's digital assets, the custodian need not disclose the assets if  
156 segregation of the assets would impose an undue burden on the custodian. If the custodian  
157 believes the direction or request imposes an undue burden, the custodian or fiduciary may  
158 seek an order from the court to disclose:

159 (1) A subset limited by date of the user's digital assets;

160 (2) All of the user's digital assets to the fiduciary or designated recipient;

161 (3) None of the user's digital assets; or

162 (4) All of the user's digital assets to the court for review in camera.

163 53-13-13.

164 If a deceased user consented or a court directs disclosure of the contents of electronic  
165 communications of the user, the custodian shall disclose to the personal representative of  
166 the estate of the user the content of an electronic communication sent or received by the  
167 user if the personal representative gives the custodian:

168 (1) A written request for disclosure in physical or electronic form;

169 (2) A certified copy of the death certificate of the user;

170 (3) A certified copy of the letters testamentary, letters of administration, or other letters  
171 of appointment of the personal representative;

172 (4) Unless the user provided direction using an online tool, a copy of the user's will, trust,  
173 power of attorney, or other record evidencing the user's consent to disclosure of the  
174 content of electronic communications; and

175 (5) If requested by the custodian:

176 (A) A number, username, address, or other unique subscriber or account identifier  
177 assigned by the custodian to identify the user's account;

178 (B) Evidence linking the account to the user; or

179 (C) A finding by the court that:

180 (i) The user had a specific account with the custodian, identifiable by the information  
181 specified in subparagraph (A) of this paragraph;

182 (ii) Disclosure of the content of electronic communications of the user would not  
183 violate 18 U.S.C. Section 2701, in effect on January 1, 2018; 47 U.S.C. Section 222,  
184 in effect on January 1, 2018; or other applicable law;

185 (iii) Unless the user provided direction using an online tool, the user consented to  
186 disclosure of the content of electronic communications; or

187 (iv) Disclosure of the content of electronic communications of the user is reasonably  
188 necessary for administration of the estate.

189 53-13-14.

190 Unless the user prohibited disclosure of digital assets or the court directs otherwise, a  
191 custodian shall disclose to the personal representative of the estate of a deceased user a  
192 catalogue of electronic communications sent or received by the user and digital assets,  
193 other than the content of electronic communications, of the user, if the personal  
194 representative gives the custodian:

195 (1) A written request for disclosure in physical or electronic form;

196 (2) A certified copy of the death certificate of the user;

197 (3) A certified copy of the letters testamentary, letters of administration, or other letters  
198 of appointment of the personal representative; and

- 199 (4) If requested by the custodian:  
 200 (A) A number, username, address, or other unique subscriber or account identifier  
 201 assigned by the custodian to identify the user's account;  
 202 (B) Evidence linking the account to the user;  
 203 (C) An affidavit stating that disclosure of the user's digital assets is reasonably  
 204 necessary for administration of the estate; or  
 205 (D) A finding by the court that:  
 206 (i) The user had a specific account with the custodian, identifiable by the information  
 207 specified in subparagraph (A) of this paragraph; or  
 208 (ii) Disclosure of the user's digital assets is reasonably necessary for administration  
 209 of the estate.

210 53-13-15.

211 To the extent a power of attorney expressly grants an agent authority over the content of  
 212 electronic communications sent or received by the principal and unless directed otherwise  
 213 by the principal or the court, a custodian shall disclose to the agent the content if the agent  
 214 gives the custodian:

- 215 (1) A written request for disclosure in physical or electronic form;  
 216 (2) An original or copy of the power of attorney expressly granting the agent authority  
 217 over the content of electronic communications of the principal;  
 218 (3) A certification by the agent, under penalty of perjury, that the power of attorney is  
 219 in effect; and  
 220 (4) If requested by the custodian:  
 221 (A) A number, username, address, or other unique subscriber or account identifier  
 222 assigned by the custodian to identify the principal's account; or  
 223 (B) Evidence linking the account to the principal.

224 53-13-16.

225 Unless otherwise ordered by the court, directed by the principal, or provided by a power  
 226 of attorney, a custodian shall disclose to an agent with specific authority over digital assets  
 227 or general authority to act on behalf of a principal a catalogue of electronic  
 228 communications sent or received by the principal and digital assets, other than the content  
 229 of electronic communications, of the principal if the agent gives the custodian:

- 230 (1) A written request for disclosure in physical or electronic form;  
 231 (2) An original or a copy of the power of attorney that gives the agent specific authority  
 232 over digital assets or general authority to act on behalf of the principal;

233 (3) A certification by the agent, under penalty of perjury, that the power of attorney is  
 234 in effect; and

235 (4) If requested by the custodian:

236 (A) A number, username, address, or other unique subscriber or account identifier  
 237 assigned by the custodian to identify the principal's account; or

238 (B) Evidence linking the account to the principal.

239 53-13-17.

240 Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to  
 241 a trustee that is an original user of an account any digital asset of the account held in trust,  
 242 including a catalogue of electronic communications of the trustee and the content of  
 243 electronic communications.

244 53-13-18.

245 Unless otherwise ordered by the court, directed by the user, or provided in a trust, a  
 246 custodian shall disclose to a trustee that is not an original user of an account the content of  
 247 an electronic communication sent or received by an original or successor user and carried,  
 248 maintained, processed, received, or stored by the custodian in the account of the trust if the  
 249 trustee gives the custodian:

250 (1) A written request for disclosure in physical or electronic form;

251 (2) A certified copy of the trust instrument or a certification of the trust under Code  
 252 Section 53-12-280 that includes consent to disclosure of the content of electronic  
 253 communications to the trustee;

254 (3) A certification by the trustee, under penalty of perjury, that the trust exists and the  
 255 trustee is a currently acting trustee of the trust; and

256 (4) If requested by the custodian:

257 (A) A number, username, address, or other unique subscriber or account identifier  
 258 assigned by the custodian to identify the trust's account; or

259 (B) Evidence linking the account to the trust.

260 53-13-19.

261 Unless otherwise ordered by the court, directed by the user, or provided in a trust, a  
 262 custodian shall disclose to a trustee that is not an original user of an account a catalogue  
 263 of electronic communications sent or received by an original or successor user and stored,  
 264 carried, or maintained by the custodian in an account of the trust and any digital assets,  
 265 other than the content of electronic communications, in which the trust has a right or  
 266 interest if the trustee gives the custodian:



- 267 (1) A written request for disclosure in physical or electronic form;  
 268 (2) A certified copy of the trust instrument or a certification of the trust under Code  
 269 Section 53-12-280;  
 270 (3) A certification by the trustee, under penalty of perjury, that the trust exists and the  
 271 trustee is a currently acting trustee of the trust; and  
 272 (4) If requested by the custodian:  
 273 (A) A number, username, address, or other unique subscriber or account identifier  
 274 assigned by the custodian to identify the trust's account; or  
 275 (B) Evidence linking the account to the trust.

276 53-13-20.

277 (a) After an opportunity for a hearing under paragraph (2) of subsection (b) of Code  
 278 Section 29-3-22 or paragraph (2) of subsection (b) of Code Section 29-5-23, the court may  
 279 grant a conservator access to the digital assets of a protected person.

280 (b) Unless otherwise ordered by the court or directed by the user, a custodian shall disclose  
 281 to a conservator the catalogue of electronic communications sent or received by a protected  
 282 person and any digital assets, other than the content of electronic communications, in which  
 283 the protected person has a right or interest if the conservator gives the custodian:

- 284 (1) A written request for disclosure in physical or electronic form;  
 285 (2) A certified copy of the court order that gives the conservator authority over the digital  
 286 assets of the protected person; and  
 287 (3) If requested by the custodian:  
 288 (A) A number, username, address, or other unique subscriber or account identifier  
 289 assigned by the custodian to identify the account of the protected person; or  
 290 (B) Evidence linking the account to the protected person.

291 (c) A conservator with general authority to manage the assets of a protected person may  
 292 request that a custodian of the digital assets of the protected person suspend or terminate  
 293 an account of the protected person for good cause. A request made under this Code section  
 294 shall be accompanied by a certified copy of the court order giving the conservator authority  
 295 over the protected person's property.

296 ARTICLE 3

297 53-13-30.

- 298 (a) The legal duties imposed on a fiduciary charged with managing tangible property apply  
 299 to the management of digital assets, including the duty of care, loyalty, and confidentiality.  
 300 (b) A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

- 301 (1) Except as otherwise provided in Code Section 53-13-10, shall be subject to the  
302 applicable terms of service;
- 303 (2) Shall be subject to other applicable law, including copyright law;
- 304 (3) In the case of a fiduciary, shall be limited by the scope of the fiduciary's duties; and  
305 (4) May not be used to impersonate the user.
- 306 (c) A fiduciary with authority over the property of a decedent, protected person, principal,  
307 or settlor has the right to access any digital asset in which the decedent, protected person,  
308 principal, or settlor has or had a right or interest and that is not held by a custodian or  
309 subject to a terms-of-service agreement.
- 310 (d) A fiduciary acting within the scope of the fiduciary's duties shall be an authorized user  
311 of the property of the decedent, protected person, principal, or settlor for the purpose of  
312 liability under applicable computer fraud and unauthorized computer access laws, including  
313 Article 6 of Chapter 9 of Title 16.
- 314 (e) A fiduciary with authority over the tangible, personal property of a decedent, protected  
315 person, principal, or settlor shall:
- 316 (1) Have the right to access the property and any digital asset stored in it; and  
317 (2) Be an authorized user for the purpose of computer fraud and unauthorized computer  
318 access laws, including Article 6 of Chapter 9 of Title 16.
- 319 (f) A custodian may disclose information in an account to a fiduciary of the user when the  
320 information is required to terminate an account used to access digital assets licensed to the  
321 user.
- 322 (g) A fiduciary of a user may request a custodian to terminate the user's account. A  
323 request for termination shall be in writing, in either physical or electronic form, and  
324 accompanied by:
- 325 (1) If the user is deceased, a certified copy of the death certificate of the user;  
326 (2) A certified copy of the letters testamentary, letters of administration, or other letters  
327 of appointment of the personal representative, court order, power of attorney, or trust  
328 giving the fiduciary authority over the account; and  
329 (3) If requested by the custodian:
- 330 (A) A number, username, address, or other unique subscriber or account identifier  
331 assigned by the custodian to identify the user's account;  
332 (B) Evidence linking the account to the user; or  
333 (C) A finding by the court that the user had a specific account with the custodian,  
334 identifiable by the information specified in subparagraph (A) of this paragraph.

335 53-13-31.

336 (a) Not later than 60 days after receipt of the information required under Code  
 337 Sections 53-13-13 through 53-13-30, a custodian shall comply with a request under this  
 338 chapter from a fiduciary or designated recipient to disclose digital assets or terminate an  
 339 account. If the custodian fails to comply, the fiduciary or designated recipient may apply  
 340 to the court for an order directing compliance.

341 (b) An order under subsection (a) of this Code section directing compliance shall contain  
 342 a finding that compliance is not in violation of 18 U.S.C. Section 2702, in effect on July 1,  
 343 2018.

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

346 (d) A custodian may deny a request under this chapter from a fiduciary or designated  
 347 recipient for disclosure of digital assets or to terminate an account if the custodian is aware  
 348 of any lawful access to the account following the receipt of the fiduciary's request.

349 (e) This chapter shall not limit a custodian's ability to obtain or require a fiduciary or  
 350 designated recipient requesting disclosure or termination under this chapter to obtain a  
 351 court order that:

352 (1) Specifies that an account belongs to the protected person or principal;

353 (2) Specifies that there is sufficient consent from the protected person or principal to  
 354 support the requested disclosure; and

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

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

358 ARTICLE 4

359 53-13-40.

360 This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global  
 361 and National Commerce Act, 15 U.S.C. Section 7001 et seq., but shall not modify, limit,  
 362 or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic  
 363 delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C.  
 364 Section 7003(b)."

365 **SECTION 2.**

366 Chapter 6B of Title 10 of the Official Code of Georgia Annotated, relating to the "Uniform  
 367 Power of Attorney Act," is amended by revising paragraph (10) of Code Section 10-6B-2,  
 368 relating to definitions, as follows:

369 "(10) 'Property' means anything that may be the subject of ownership, whether real or  
 370 personal, or legal or equitable, or any interest or right therein and shall include digital  
 371 assets and electronic communications, as such terms are defined in Code Section  
 372 53-13-2."

373 **SECTION 3.**

374 Said chapter is further amended by revising paragraph (8) of subsection (a) of Code Section  
 375 10-6B-40, relating to agent authority that requires a specific grant and granting of general  
 376 authority, as follows:

377 "(8) Exercise authority over the content of electronic communications, as such term is  
 378 defined in ~~18 U.S.C. Section 2510(12), in effect on February 1, 2017~~ Code Section  
 379 53-13-2, sent or received by the principal; or"

380 **SECTION 4.**

381 Article 2 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to  
 382 jurisdiction, power, and duties of the probate court is amended in subsection (a) of Code  
 383 Section 15-9-30, relating to subject matter jurisdiction and powers and duties generally, by  
 384 renumbering paragraphs (10) and (11) as paragraphs (11) and (12), respectively, and adding  
 385 a new paragraph (10) to read as follows:

386 "(10) All matters as may be conferred on them by Chapter 13 of Title 53."

387 **SECTION 5.**

388 Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is  
 389 amended by revising paragraph (1) of subsection (b) of Code Section 29-3-22, relating to the  
 390 powers of a conservator and cooperation with the guardian of a minor, as follows:

391 "(b)(1) In the petition for appointment, or at any time during the conservatorship, the  
 392 conservator may request the continuing power to:

393 (A) Invest the minor's property in investments other than those authorized in Code  
 394 Section 29-3-32, pursuant to the provisions of Code Section 29-3-34, without further  
 395 court approval of any investment;

396 (B) Sell, rent, lease, exchange, or otherwise dispose of any or all of the minor's real or  
 397 personal property without complying with the provisions of Code Section 29-3-35,  
 398 other than the provisions for additional bond set forth in subsection (e) of Code Section  
 399 29-3-35; or

400 (C) Continue the operation of any farm or business in which the minor has an interest;  
 401 or

402 (D) Access the digital assets of the minor, pursuant to Code Section 53-13-20."

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**SECTION 6.**

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Said title is further amended by revising paragraph (1) of subsection (b) of Code Section 29-5-23, relating to the authority of a conservator of an adult and cooperation with a guardian or other interested parties, as follows:

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"(b)(1) In the petition for appointment, or at any time during the conservatorship, the conservator may request the continuing power:

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(A) To invest the ward's property in investments other than those authorized in Code Section 29-5-32, pursuant to the provisions of Code Section 29-5-34, without further court approval of any investment;

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(B) To sell, rent, lease, exchange, or otherwise dispose of any or all of the ward's real or personal property without complying with the provisions of Code Section 29-5-35 other than the provisions for additional bond set forth in subsection (e) of Code Section 29-5-35; ~~or~~

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(C) To continue the operation of any farm or business in which the ward has an interest; or

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(D) To access the digital assets of the ward, pursuant to Code Section 53-13-20."

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**SECTION 7.**

420

Code Section 53-12-2 of the Official Code of Georgia Annotated, relating to definitions for trusts, is amended by revising paragraph (9) as follows:

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"(9) 'Property' means any type of property, whether real or personal, tangible or intangible, legal or equitable, and shall include digital assets and electronic communications, as such terms are defined in Code Section 53-13-2."

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**SECTION 8.**

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This Act shall become effective on July 1, 2018.

427

**SECTION 9.**

428

All laws and parts of laws in conflict with this Act are repealed.