

House Bill 274

By: Representatives Duncan of the 26<sup>th</sup>, Caldwell of the 131<sup>st</sup>, Kelley of the 16<sup>th</sup>, Reeves of the 34<sup>th</sup>, Quick of the 117<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 7 of Title 53 of the Official Code of Georgia Annotated,  
2 relating to powers and duties generally regarding the administration of estates, so as to  
3 provide for a definition; to provide for access to the digital accounts of decedents; to provide  
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 1 of Chapter 7 of Title 53 of the Official Code of Georgia Annotated, relating to  
8 powers and duties generally regarding the administration of estates, is amended by adding  
9 a new Code section to read as follows:

10 "53-7-9.

11 (a) As used in this Code section, the term 'digital account' means any account of the  
12 decedent on any social networking Internet website, web blog Internet website, microblog  
13 service Internet website, short message service Internet website, electronic mail service  
14 Internet website, financial account Internet website, or any similar electronic services or  
15 records, together with any words, characters, codes, or contractual rights necessary to  
16 access such digital assets and any text, images, multimedia information, or other personal  
17 property stored by or through such digital account.

18 (b) Subject to any restrictions provided in a valid will of a decedent or an order of a court  
19 of competent jurisdiction, a personal representative shall have the power and authority to  
20 take control of, handle, conduct, continue, distribute, or terminate any digital account of  
21 the decedent.

22 (c) Except as may be specifically prohibited by law, any person that electronically stores,  
23 maintains, manages, controls, or administers the digital accounts of a decedent shall  
24 transfer, deliver, or provide a personal representative access or possession of any digital  
25 account of a decedent within 30 days after receipt of letters testamentary or letters of  
26 administration.

27 (d) This Code section supersedes any contrary provision in the terms and conditions of any  
28 service agreement, and the personal representative shall be considered an authorized user  
29 with the lawful consent of the decedent for the purposes of accessing or possessing the  
30 decedent's digital accounts.

31 (e) The authority provided in this Code section shall be specifically subject to copyright  
32 law and shall not increase the scope of the license granted in the terms of service of any  
33 digital account. The personal representative shall be personally responsible for any  
34 infringement of third-party copyrights that occurs in the transfer or distribution of any  
35 digital account or its contents.

36 (f) No cause of action shall lie in any court under the laws of this state against any provider  
37 of digital account services, including its officers, directors, employees, agents, or members,  
38 for any actions taken to disclose or otherwise provide access to the contents of a digital  
39 account pursuant to this Code section."

40 **SECTION 2.**

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