

SENATE BILL NO. 131—SENATOR CEGAVSKE

FEBRUARY 18, 2013

JOINT SPONSOR: ASSEMBLYWOMAN KIRKPATRICK

Referred to Committee on Judiciary

SUMMARY—Establishes provisions governing the disposition of a decedent's accounts on electronic mail, social networking, messaging and other web-based services. (BDR 12-563)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to personal representatives; authorizing a personal representative to take certain actions with respect to a decedent's account on certain Internet websites; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law sets forth the powers and duties of a personal representative in the
- 2 administration of the estate of a decedent. (Chapter 143 of NRS) This bill
- 3 authorizes a personal representative to take control of, conduct, continue or
- 4 terminate any account of the decedent on any Internet website providing social
- 5 networking or web log, microblog, short message or electronic mail service.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 143 of NRS is hereby amended by adding
- 2 thereto a new section to read as follows:
- 3 *1. Except as otherwise provided in subsection 2, subject to*
- 4 *such restrictions as may be prescribed in the will of a decedent or*
- 5 *by an order of a court of competent jurisdiction, a personal*
- 6 *representative has the power to take control of, conduct, continue*



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1 *or terminate any account of the decedent, including, without*
2 *limitation:*

3 *(a) An account on any:*

4 *(1) Social networking Internet website;*

5 *(2) Web log service Internet website;*

6 *(3) Microblog service Internet website;*

7 *(4) Short message service Internet website; or*

8 *(5) Electronic mail service Internet website; or*

9 *(b) Any similar electronic or digital asset of the decedent.*

10 *2. The provisions of subsection 1 do not authorize a personal*
11 *representative to take control of, conduct, continue or terminate*
12 *any financial account of the decedent, including, without*
13 *limitation, a bank account or investment account.*

14 *3. The act by a personal representative to take control of,*
15 *conduct or continue any account or asset of a decedent pursuant*
16 *to subsection 1 does not invalidate or abrogate any conditions,*
17 *terms of service or contractual obligations the holder of such an*
18 *account or asset has with the provider or administrator of the*
19 *account, asset or Internet website.*

