

§ 36F-2. Definitions.

The following definitions apply in this Chapter:

- (1) Account. – An arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user.
- (2) Agent. – An attorney-in-fact granted authority under a durable or nondurable power of attorney.
- (3) Carries. – Engages in the transmission of an electronic communication.
- (4) Catalogue of electronic communications. – Information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person.
- (5) Reserved.
- (6) Content of an electronic communication. – Information concerning the substance or meaning of the communication which meets all of the following:
 - a. Has been sent or received by a user.
 - b. Is in electronic storage by a custodian providing an electronic-communication service to the public or is carried or maintained by a custodian providing a remote-computing service to the public.
 - c. Is not readily accessible to the public.
- (7) Court. – The clerk of superior court or superior court judge, as provided in G.S. 1-7, or other court having competent jurisdiction over the estate, trust, fiduciary, or user, as applicable, or other matters relating to the content of this Chapter.
- (8) Custodian. – A person that carries, maintains, processes, receives, or stores a digital asset of a user.
- (9) Designated recipient. – A person chosen by a user using an online tool to administer digital assets of the user.
- (10) Digital asset. – An electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record.
- (11) Electronic. – Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (12) Electronic communication. – Has the meaning set forth in 18 U.S.C. § 2510(12).
- (13) Electronic-communication service. – A custodian that provides to a user the ability to send or receive an electronic communication.
- (14) Fiduciary. – An original, additional, or successor personal representative, guardian, agent, or trustee.
- (14a) Guardian. – A person appointed by a court to manage the estate of a living individual. The term includes a general guardian, a guardian of the estate, an interim guardian, and a standby guardian appointed under Chapter 35A of the General Statutes.
- (15) Information. – Data, text, images, videos, sounds, codes, computer programs, software, databases, or the like.
- (16) Online tool. – An electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.

- (17) Person. – An individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, instrumentality, business trust, partnership, limited liability company, association, joint venture, or any other legal or commercial entity.
- (18) Personal representative. – An executor, administrator, special administrator, or person that performs substantially the same function under a law of this State other than this Chapter.
- (19) Power of attorney. – A record that grants an agent authority to act in the place of a principal.
- (20) Principal. – An individual who grants authority to an agent in a power of attorney.
- (21) Reserved.
- (22) Record. – Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (23) Remote-computing service. – A custodian that provides to a user computer-processing services or the storage of digital assets by means of an electronic-communications system, as defined in 18 U.S.C. § 2510(14).
- (24) Terms-of-service agreement. – An agreement that controls the relationship between a user and a custodian.
- (25) Trustee. – A fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term includes an original, additional, and successor trustee, whether or not confirmed by a court.
- (26) User. – A person that has an account with a custodian.
- (26a) Ward. – An individual for whom a guardian has been appointed. The term includes an individual for whom an application for the appointment of a guardian is pending.
- (27) Will. – Includes a codicil, a testamentary instrument that only appoints an executor, and an instrument that revokes or revises a testamentary instrument. (2016-53, s. 1; 2017-102, s. 12.1(a).)