

2018 Kansas Statutes

58-4816. Custodian compliance and immunity. (a) Not later than 60 days after receipt of the information required under K.S.A. 2018 Supp. 58-4807 through 58-4815, and amendments thereto, a custodian shall comply with a request under this act from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

(b) An order under subsection (a) directing compliance must contain a finding that compliance is not in violation of 18 U.S.C. § 2702.

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

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

(e) This act does not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under this act to obtain a court order which:

(1) Specifies that an account belongs to the ward, conservatee or principal;

(2) specifies that there is sufficient consent from the ward, conservatee or principal to support the requested disclosure; and

(3) contains a finding required by law other than this act.

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

History: L. 2017, ch. 19, § 16; July 1.