§ 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.


(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).)