Effective 5/4/2022

Chapter 62
Digital Asset Management Act

Part 1
General Provisions

13-62-101 Definitions.
   As used in this chapter:
(1) "Agent" means a person who is authorized to act on behalf of an owner with respect to a digital asset.
(2) "Control" means:
   (a) an owner or an agent has the exclusive legal authority to conduct a transaction relating to the digital asset, including by means of a private key or the use of a multi-signature arrangement the owner or agent authorizes; or
   (b) a secured party has created a smart contract that gives the secured party exclusive legal authority to conduct a transaction relating to a digital security.
(3)
   (a) "Digital asset" means a representation of economic, proprietary, or access rights that is stored in a computer readable format.
   (b) "Digital asset" includes:
      (i) a digital user asset; or
      (ii) a digital security.
(4) "Digital security" means a digital asset that constitutes a security, as that term is defined in Section 70A-8-101.
(5)
   (a) "Digital user asset" means a digital asset that is used or bought primarily for consumptive, personal, or household purposes.
   (b) "Digital user asset" includes an open blockchain token.
   (c) "Digital user asset" does not include a digital security.
(6) "Multi-signature arrangement" means a system of access control relating to a digital asset for the purposes of preventing unauthorized transactions relating to the digital asset, in which two or more private keys are required to conduct a transaction.
(7) "Private key" means a unique element of cryptographic data that is:
   (a) held by a person;
   (b) paired with a public key; and
   (c) used to digitally sign a transaction.
(8) "Public key" means a unique element of cryptographic data that:
   (a) is publicly available;
   (b) is paired with a private key that is held by the owner of the public key; and
   (c) allows viewing, but not digitally signing, electronic transactions.
(9) "Smart contract" means a transaction that is comprised of code, script, or programming language that executes the terms of an agreement, and which may include taking custody of and transferring a digital asset, or issuing executable instructions for these actions, based on the occurrence or nonoccurrence of specified conditions.

Amended by Chapter 324, 2024 General Session

13-62-102 Ownership of digital assets.
(1) Digital securities are intangible personal property and shall be considered securities and investment property for purposes of this chapter, Title 70A, Chapter 8, Uniform Commercial Code - Investment Securities, and Title 70A, Chapter 9a, Uniform Commercial Code - Secured Transactions.
(2) An owner of a digital user asset may demonstrate ownership of the digital user asset through control.
(3) Nothing in this chapter shall be interpreted to restrict or impair an owner's right to own a digital asset.

Enacted by Chapter 448, 2022 General Session

13-62-103 Protection of private keys.
(1)
  (a) Except as provided in Subsection (1)(b), a person may not be compelled to produce a private key, or any components that allow the derivation of a private key, or make a private key known to any other person in any civil, criminal, administrative, legislative, or other proceeding in the state that relates to a digital asset, digital identity, or other interest or right to which the private key provides access.
  (b) A person may be compelled in a civil, criminal, administrative, legislative, or other lawful proceeding in the state to produce a private key if a public key is unavailable or unable to disclose the information requested to be obtained.
(2) A person may be compelled by court order to:
  (a) produce, sell, transfer, convey, or disclose a digital asset, digital identity, or other interest or right to which a private key provides access; or
  (b) disclose information about the digital asset, digital identity, or other interest or right.

Enacted by Chapter 324, 2024 General Session