



2020

2021

UNIFORM LAW COMMISSION



ANNUAL REPORT

Better Laws. Stronger States.

The Uniform Law Commission

The Uniform Law Commission (ULC), now 130 years old, promotes uniformity of law among the several states on subjects for which uniformity is desirable and practicable. The ULC improves the law by providing states with non-partisan, carefully-considered, and well-drafted legislation that brings clarity and stability to critical areas of the law. The ULC's work supports the federal system, seeks to maintain an appropriate balance between federal and state law, and facilitates social and economic relations with rules that are consistent from state to state.

Uniform Law Commissioners must be lawyers, qualified to practice law. Commissioners are lawyer-legislators, attorneys in private practice, state and federal judges, law professors, and legislative staff attorneys, who have been appointed by state governments as well as the District of Columbia, Puerto Rico, and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas where uniformity is desirable and practical.

Officers and Executive Committee

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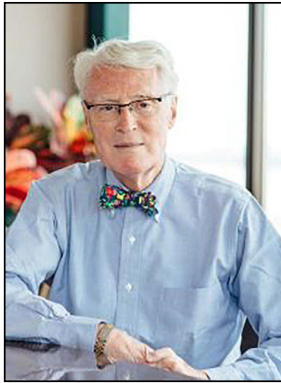
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PRESIDENT'S MESSAGE



Carl Lisman
ULC President
2019-2021

Although we had hoped for a return to normalcy in the work and function of the Uniform Law Commission, the Coronavirus pandemic again altered how we undertook the work of the ULC in the fiscal year just ended. Through remote conferencing, our standing committees continued to meet, our study and drafting committees carried on their work, and our Editorial Boards and various monitoring committees continued to fulfill their monitoring and supervisory roles.

However, the timing was right for a return to an in-person annual meeting. Our meeting in Madison, Wisconsin, fit nicely between the early summer drop in Coronavirus infections and the rapid advances of the Delta variant. Even the six-foot social distancing and masking could not interrupt our work.

The States approved seven acts at the annual meeting: Uniform College Athlete Name, Image or Likeness Act, Uniform Personal Data Protection Act, Uniform Restrictive Employment Agreement Act, Uniform Cohabitants' Economic Remedies Act, Uniform Community Property Disposition at Death Act, Uniform Unregulated Child Custody Transfer Act, and Amendments to the Uniform Common Interest Ownership Act.

Other subjects which were debated at the ULC annual meeting, but which were not scheduled for final approval, include Telehealth, Alcohol Direct-Shipping Compliance, Public Meetings During Emergencies, and amendments to the Uniform Commercial Code regarding Emerging Technologies.

Our commitment to drafting well and the two-reading rule sometimes puts our acts behind the demand curve, but we should always be mindful that speed should not take priority over quality. The Commission's overarching mission - to promote uniformity in the law among the states - is based on America's foundational principle that we are all subject to the rule of law.

Every Commissioner is a volunteer, appointed or designated by their States. Each must be a lawyer, but there are no other qualifications.

Our process is rigorous. An idea or suggestion for a uniform law is first vetted by the Scope and Program Committee; it may refer the subject to a study committee, a Joint Editorial Board or monitoring committee, or an individual with particular expertise. If there is a recommendation to go forward, the ULC's Executive Committee takes a second look. The need for a law on the topic and the likelihood of substantial enactments among the States are paramount considerations.

The heavy lifting of actually writing a law falls on the Commissioners appointed by the President to membership on a drafting committee. Under the leadership of the committee chair and with the assistance of a reporter (usually a law school professor), the committee meets to make policy choices and then draft and refine the law. Drafts are reviewed by all Commissioners at our annual meetings. Unless there are exigent circumstances that require a waiver, an act must be read at two annual meetings, the first primarily to understand the scope of the law and the committee's policy choices and the second in a line-by-line review.

With more than 350 Commissioners, including Life Members, the breadth of knowledge and experience in the ULC is impressive. The ULC is non-partisan; notwithstanding the current political climate in the U.S., most Commissioners do not know the political leanings of their fellow Commissioners. That serves us well.



As for the future, our intention is to plow forward with our work. The restrictions brought on by the pandemic will not alter what we do, only how we do it. Study Committees will continue to evaluate new suggestions. The Joint Editorial Boards and Monitoring Committees will carry on. Drafting Committees will consider, write and edit. Our legislative efforts will continue, with Commissioners and members of our legislative staff reaching out to legislators to garner support for enactments.

I'm extremely confident that Dan Robbins will lead the ULC to even greater successes as the next ULC President. His record as chair of Committee on Scope and Program and then as chair of the Executive Committee was exemplary. He's already focused on returning to weekend drafting meetings, some in person, some remote and some hybrid.

Dan knows that our enactment successes start with identifying the right topics for drafting, and he will emphasize greater efforts to support the enactment process. He will be encouraging study and drafting committees to involve stakeholders not only at the beginning of our process but throughout. He'll rely on committees to stay on-topic and within their charge. And he'll be there to help whenever needed.

I want to extend my personal thanks to the officers and members of the Executive Committee for their support and thoughtful guidance, as well as to our dedicated staff, all of whom have stepped up over the past two years. I am overwhelmed by the support we received from so many Commissioners during the Madison annual meeting, and during these extraordinary and trying two years. Thank you all so much.

A handwritten signature in black ink, consisting of several overlapping loops and lines, characteristic of a cursive signature.

Carl Lisman



Legislative Report

The Uniform Law Commission is a unique institution created by state governments – and funded by state appropriations – to research, draft, and present to the states for enactment, uniform and model laws on subjects where uniformity of the law is useful or necessary.

However, the work of the ULC does not end there. What makes the ULC different from other organizations is that it not only studies and drafts legislative solutions to significant problems affecting the states, it then works to make those acts the law in the states. No uniform law is effective until a state legislature adopts it. To that end, Uniform Law Commissioners work toward enactment of ULC acts in their home jurisdictions.

2021 did not mark a return to normal...

In 2021, as in every odd year, all state legislatures were in session, and it was hoped that 2021 might bring a return to normalcy in the legislatures. But as the pandemic continued, many of the challenges from 2020 remained in 2021, as states continued to focus on priority issues such as budget matters, coronavirus relief and other covid-related matters. Many legislatures continued to limit the number of bills that could be introduced, and many others were dealing with legislation carried over from 2020.

As in 2020, the legislative work of the ULC in 2021 had to take a back seat to other pressing public matters: dealing with the public health crisis, criminal justice reform, and state budgets. Even so, the ULC ended the 2021 legislative year with 148 introductions of Uniform or Model Acts and 68 enactments. Several states had exceptionally good years, by any measure. Some highlights of the 2021 legislative year include:

- Nebraska enacted five acts: Uniform Easement Relocation Act; Uniform Foreign Country Money Judgments Recognition Act; Uniform Interstate Depositions and Discovery Act; Uniform Powers of Appointment Act; Uniform Registration of Canadian Money Judgments Act.
- North Dakota enacted five acts: Amendment to Uniform Athlete Agents Act; Uniform Electronic Wills Act; Uniform Environmental Covenants Act; Uniform Faithful Presidential Electors Act; Revised Uniform Unclaimed Property Act.
- Washington enacted five acts: Uniform Electronic Recordation of Custodial Interrogations Act; Uniform Electronic Wills Act; Uniform Fiduciary Income and Principal Act; Uniform Powers of Appointment Act; and Uniform Public Expression Protection Act.
- New Hampshire enacted four acts: Uniform Collaborative Law Act; Uniform Disclaimer of Property Interests Act; Revised Uniform Law on Notarial Acts; and Uniform Real Property Electronic Recording Act.
- Oklahoma enacted four acts: Revised Uniform Athlete Agents Act and Amendments; Uniform Interstate Depositions and Discovery Act; Uniform Power of Attorney Act.
- Arkansas, Colorado, and Montana each enacted three acts this year.



As the state legislatures continued their focus on covid related matters, it is no surprise that the ULC acts which are helpful in the current crisis did well in the states this year:

- Revised Uniform Law on Notarial Acts was introduced in nine states this year, and enacted in six: Arizona, Kansas, New Hampshire, New Mexico, Oregon, and Pennsylvania.
- Uniform Electronic Wills Act was introduced in five states this year, and enacted in three: Colorado, North Dakota, and Washington.
- Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act was introduced in four states this year and enacted in two: Arkansas and Iowa.

Revised Uniform Law on Notarial Acts

The Revised Uniform Law on Notarial Acts (RULONA) is designed to modernize and clarify the law governing notaries public, their responsibilities and duties, and to provide a stable infrastructure for the performance of notarial acts with respect to electronic records. RULONA brings the law governing electronic notarial acts up to par with other laws governing electronic transactions. The act was amended in 2018 to authorize notaries public to perform notarial acts in the state in which they are commissioned for remotely located individuals using audio-visual communication and identity-proofing technology regardless of where the individual may be located.

The act has taken on new importance during the COVID-19 crisis. This act updates the ULC's notarial law statute and permits remote notarization. Remote notarization allows a notarization to take place via technology when the notary and the individual are physically apart. Many governors issued executive orders permitting remote notarization during the COVID-19 crisis, but those measures are temporary and include many legal gray areas. RULONA provides a lasting, comprehensive framework to perform remote notarization, which offers efficiency and convenience to businesses and individuals.

Uniform Electronic Wills Act

Under traditional state laws, a person's last will and testament is only valid if written on a tangible material (usually paper), signed by the testator, and signed by two witnesses. These traditional execution requirements prevent courts from recognizing and enforcing the terms of electronic wills, an anomaly in the internet age when electronic legal documents and signatures are common. The Uniform Electronic Wills Act (UEWA), promulgated in 2019, permits testators to execute a will electronically and allows probate courts to give electronic wills legal effect. Under UEWA, the testator and witnesses can execute a will electronically using secure technology without being present in the same room. An electronic will can be made self-proving for probate by a notary's contemporaneous acknowledgment of its execution – including a remote online notary if permitted under state law. The act also allows the enacting state's courts to recognize electronic wills executed under the law of another state.

This act has also taken on new importance during the COVID-19 crisis. Estate planning attorneys increasingly need to meet with their clients remotely. Trusts and other documents can be signed electronically under current laws, and UEWA fills a gap by allowing wills to be executed in the same manner. For a generation that is used to banking, communicating, and transacting business online, the Uniform Electronic Wills Act will allow online estate planning while maintaining safeguards to help prevent fraud and coercion.



Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act

The Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act addresses the disclosure of private images of nudity or sexual conduct without consent, an increasingly common form of abuse that often leads to emotional distress, depression, and anxiety. Victims of this type of abuse have also experienced stalking, harassment, and termination from employment or expulsion from school. Though nearly every state has a criminal statute on the subject, few states provide a civil cause of action for victims. The uniform act creates a civil cause of action; protects victims' identities; and provides various remedies.

This act has also taken on new importance during the COVID-19 crisis. The pandemic has changed how many of us communicate, leading us to rely on technology to work remotely and stay in touch with friends and family while social distancing. Unfortunately, an increase in technology use and additional free time also mean conditions are ripe for tech abuse, such as the unauthorized disclosure of intimate images. The negative impact on the victim can also be compounded by the stress and depression of isolating at home. The uniform act is relevant because it provides the victim the opportunity to pursue civil remedies for this abuse. A prevailing plaintiff may recover actual damages, statutory damages, and, where appropriate, punitive damages, and attorney's fees. A plaintiff may also recover an amount equal to the gain made by the defendant from disclosure of the intimate image, if applicable.

Other Highlights

Other major highlights of the year include:

- Uniform Easement Relocation Act was enacted in its first state: Nebraska
- Uniform Employee and Student Online Privacy Protection Act was enacted in its first state: Hawaii.
- Uniform Public Expression Protection Act was enacted in its first state: Washington.
- Uniform Collateral Consequences of Conviction Act was enacted in its second state: New Mexico.
- Revised Uniform Athlete Agents Act or its 2019 Amendments were enacted in four states: Missouri, Nevada, North Dakota, and Oklahoma.
- Uniform Fiduciary Income and Principal Act was enacted in four states: Arkansas, Colorado, Kansas, and Washington.

In addition to these acts, more than 30 different uniform acts were introduced in various states across the country in 2021.





New Uniform Acts Approved in 2021

The culmination of the work of the Uniform Law Commission takes place at its annual meeting each summer when the Commission convenes as a Committee of the Whole. At its 130th Annual Meeting in Madison, Wisconsin, July 9 – 15, 2021, seven new acts or amendments to acts were considered and approved. After receiving the ULC's seal of approval, a uniform or model act is officially promulgated for consideration by the states, and state legislatures are urged to adopt it.

Uniform Cohabitants' Economic Remedies Act

The rate of nonmarital cohabitation within the U.S. is increasing rapidly. Today, states have no consistent approach for addressing whether and how cohabitants can enforce contract and equitable claims against each other when the relationship ends. The Uniform Cohabitants' Economic Remedies Act does not create any special status for cohabitants. In most instances, the Act defers to other state law governing contracts and claims between individuals. The Act enables cohabitants to exercise the usual rights of individual citizens of a state to contract and to successfully maintain contract and equitable claims against others in appropriate circumstances. The Act affirms the capacity of each cohabitant to contract with the other and to maintain claims with respect to "contributions to the relationship" without regard to any intimate relationship that exists between them and without subjecting them to hurdles that would not be imposed on litigants of similar claims. The Act ensures that the nature of the relationship of the parties is not a bar to a successful claim.

Uniform College Athlete Name, Image, or Likeness Act

Intercollegiate sports have grown into a billion-dollar industry, with massive television deals, multi-million-dollar coaching contracts, extravagant facilities, and lucrative commercial licensing agreements, all of which have historically provided huge sums of money to almost everyone involved. Coaches, universities, television networks, and brands have been financially benefitting from an industry built on the backs of college athletes who, until recently, were prohibited from earning compensation for the use of their name, image, or likeness. This all changed in 2019 when California enacted a first in the nation bill to give college athletes a right to earn money from the use of their name, image, or likeness ("NIL"). Since that time an additional 25 states have enacted NIL legislation and three states have expanded college athletes' rights via executive order. In addition, the NCAA announced a new interim NIL policy on June 30, 2021, that permits college athletes "to engage in NIL activities that are consistent with the law of the state where the school is located," and allows "[c]ollege athletes who attend a school in a state without a NIL law to engage in NIL activity without violating NCAA rules relating to NIL." The Uniform College Athlete Name, Image, or Likeness Act allows college athletes to earn compensation for the use of their NIL while also providing reasonable protections to educational institutions, athletic associations, and conferences. The Act will provide a clear and uniform framework for states to enact that allows college athletes to earn compensation for the use of their NIL while maintaining a level playing field across state lines.

Uniform Community Property Disposition at Death Act

The law of marital property in the United States is far from uniform. Most jurisdictions use a system of property rights based on English common law, but nine states and two U.S. territories use a system based on civil law instead. In those jurisdictions, a married couple's property is generally presumed to be "community property," unless the couple agrees to a different distribution. Community property acquired by a married couple retains its character as community property even when the couple relocates to reside in a non-community property state. This result creates potential distribution problems at the death of the first spouse but also creates potential estate planning opportunities. However, the probate court in a non-community property state may not recognize the status of community property in a decedent's estate. The Uniform Community Property Disposition at Death Act provides clear default rules to ensure the proper disposition of community property in any state. It is recommended for adoption by all non-community property states.

Uniform Personal Data Protection Act

The Uniform Personal Data Protection Act applies fair information practices to the collection and use of personal data from consumers by business enterprises. The Act provides a reasonable level of consumer protection without incurring the compliance and regulatory costs associated with some existing state regimes. The Act recognizes that the collection and use of personal data are important features of our modern economy but raise significant issues of privacy and control. The Act outlines compatible, incompatible, and prohibited data practices and provides an enforcement mechanism to ensure compliance with the Act. The Act also avoids the First Amendment concerns that arise from privacy laws that greatly restrict information without sufficient justification. By adapting a risk-based approach to privacy regulation, the Act protects all data subjects from harmful processing and also offers the flexibility for startups and established firms to innovate.

Uniform Restrictive Employment Agreement Act

The Uniform Restrictive Employment Agreement Act regulates restrictive employment agreements, which are agreements that prohibit or limit an employee or other worker from working elsewhere after the work relationship ends. Uniformity in this area of the law benefits both employers and employees by enhancing clarity and predictability in our increasingly mobile society. The Uniform Restrictive Employment Agreement Act addresses the enforceability of these agreements, notice and other procedural requirements, choice of law issues, and remedies. The Act does not say anything about an agreement monitoring what a worker can or cannot do while employed.

Uniform Unregulated Child Custody Transfer Act

In some cases, parents find that, after the birth or adoption of their child, they experience considerable difficulty or even inability in caring for or effectively managing the child's behavior, which sometimes leads to families transferring a child to another person outside of the courts and the child welfare system. Without specific regulations directed at these types of unregulated transfers, a transfer of custody might go unnoticed within the child welfare system. The Uniform Unregulated Child Custody Transfer Act addresses the transfer of children in these types of cases. The Act provides states with a uniform legal framework to prohibit unregulated child custody transfers. The Act also requires child-placing agencies to provide prospective adoptive parents with important information and guidance regarding adoptions that have a heightened degree of risk for a disruption or dissolution.

Amendments to the Uniform Common Interest Ownership Act

The Uniform Common Interest Ownership Act governs the formation, management, and termination of common interest communities, including condominiums, homeowner associations, and real estate cooperatives. The 2021 amendments to the Act update it to address recent legal and technological developments.



A woman with long dark hair, wearing a yellow sleeveless dress, is looking down at a laptop in a modern office. The office has large windows, a printer, and several pendant lights hanging from the ceiling. The background is slightly blurred, focusing on the woman and her work area.

UREAA

SPOTLIGHT ON THE **UNIFORM RESTRICTIVE** **EMPLOYMENT** **AGREEMENT ACT**

Noncompete agreements expressly prohibit a worker, upon termination of employment, from creating, joining, or working for a competing firm. A typical modern noncompete specifies the time, geographic area, and scope of business within which work is prohibited.

The Uniform Law Commission (ULC) approved a new uniform state law to regulate restrictive employment agreements. The Uniform Restrictive Employment Agreement Act was approved by the ULC at its 130th Annual Meeting in Madison, Wisconsin. The Act is now available for consideration and enactment in the states.

The Uniform Restrictive Employment Agreement Act regulates restrictive employment agreements, which include noncompetes and other agreements that prohibit or limit an employee or other worker from working elsewhere after the work relationship ends. The Act does not regulate what a worker can or cannot do while working for the original employer.

Noncompete agreements and other restrictive covenants often arise in several conventional situations.

Examples include officers and top managers, researchers and high-tech workers privy to trade secrets, or salespersons who develop customer relationships.

Recently, noncompetes have increasingly been used to restrain lesser skilled, low-wage employees. Noncompetes and other restrictive employment agreements serve valid purposes in the right circumstances but are too often used in ways that limit worker mobility and hinder economic growth. There is a growing movement for reform. Some 36 bills in 18 states are currently before a state legislature in some form.

Recently adopted state statutes increasingly create a patchwork of specific, often distinctive reforms. And most

states still rely on common law regulation that creates unpredictable outcomes.

The scope of this Act is broad. The most stringent of the restrictive employment agreements is a noncompete, which expressly prohibit workers from creating, joining, or working for competing firms after termination of employment. While noncompete agreements get the most attention, they are part of a family of restrictive agreements that also include nonsolicitation agreements, confidentiality agreements (also known as nondisclosure agreements), payment-for-competition agreements, and training-repayment agreements. All these agreements are covered by this Act. Other agreements with similar effect also fall within the scope of the Act.

The Act prohibits restrictive agreements (except confidentiality agreements and training-reimbursement agreements) for low-wage workers, defined as those making less than the state's annual mean wage. Additionally, these agreements are unenforceable if the worker resigns for good

cause attributable to the employer or the employer terminates the worker for a reason other than willful misconduct or the end of the project or term.

The Act requires advance notice and other procedural requirements for an enforceable restrictive agreement. An employer must give both general notice of the Act's requirements and specific notice of the particular restrictive agreement it is requesting of each employee. Notice enables workers to fully evaluate restrictive employment agreements and make a timely and informed decisions about whether to sign.



The Act sets maximum durations for restrictive agreements that range from six months to five years and establishes other substantive requirements for valid agreements. To protect the overall public interest in competition and mobility in labor markets, the Act's requirements are non-waivable except in narrowly defined circumstances.

The Act prohibits a court from broadly rewriting an overbroad agreement with two alternatives. Under Alternative A, if the restrictive employment agreement does not comply with the Act, the agreement is prohibited and unenforceable. Alternative B allows judicial reformation if the employer entered the agreement reasonably and in good faith believing it was enforceable.

The Act establishes penalties and enforcement by state departments of labor and private rights of action, to address the chilling effect of unenforceable agreements. Finally, the Act limits an agreement's choice of law provisions to the state where the worker primarily works or worked and choice of venue provisions to states where the worker primarily works, worked or resides. This gives a worker a realistic opportunity to challenge a restrictive employment agreement.

The Uniform Restrictive Employment Agreement Act provides states with clear rules for determining when noncompete and other restrictive agreements will be unenforceable. In the past five years, many states have recognized the importance of using legislation to provide workers and employers with clarity for drafting and entering these agreements. This flurry of legislative activity inspired the ULC to act. With workers moving across state lines at a growing frequency and an increasingly national labor market, employers and workers will greatly benefit from a uniform approach.



Financing the ULC

Financial Support and Budget

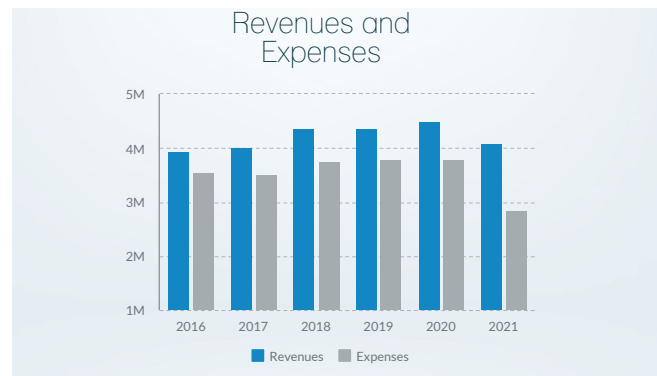
As a state service organization, the Uniform Law Commission depends on state appropriations for its continued operation. The ULC receives the predominant portion of its financial support from these state appropriations. Every state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands is assessed a specific amount for dues, varying depending on the state's population, for support of the ULC. All jurisdictions are also requested to reimburse the expenses of their commissioners incurred in attending the annual meeting. In return, the ULC provides the states with significant services, including both drafting uniform, well-researched, and well-crafted state laws on a range of legal subjects, and supporting the effort to enact these laws.

The ULC enables states to tap the skills and resources of the legal profession for very little cost. No uniform law commissioner is paid for his or her services. Commissioners receive reimbursement only for actual expenses directly incurred in the course of their work with the ULC. The ULC estimates that each commissioner devotes an average 150 hours a year to ULC work, including service on various drafting committees and participation at the ULC Annual Meeting. These hours spent in research and drafting work – solid, substantive hours—have a cumulative value of more than \$10 million.

States would find it both difficult and expensive to replicate the work of the ULC on their own, especially with regard to highly complex subjects such as commercial law or the law of probate and estates. Uniform or Model Acts that the ULC promulgates are developed over the course of two to three years at intensive meetings. Acts are read and debated on the floor of two ULC Annual Meetings by all the assembled commissioners sitting as a Committee of the Whole.

Because ULC drafting projects are national in scope, the ULC attracts a broad range of advisors and observers, resulting in a drafting process that benefits from a greater range and depth of national, legal expertise than could be brought to bear by any individual state. In addition, the ULC contracts professional 'reporters'— typically, law professors with significant expertise, but on appropriate occasions experienced practitioners are appointed as well — to aid in many of the drafting efforts. Reporters receive modest honoraria to support the research and drafting of ULC acts.

The revenue of the ULC for the fiscal year ending June 30, 2021, was approximately \$4,071,000, with support from state governments totaling \$2,816,000 accounting for approximately 69 percent of the budget. Grants from foundations and the federal government occasionally support specific educational and drafting efforts.



All money received from any source is accepted with the understanding that the ULC's drafting work is completely autonomous. No source may dictate the contents of an Act because of a financial contribution. By seeking grants for specific projects, the ULC expands the value of every state dollar invested in its work.

The Uniform Commercial Code (UCC) is a joint venture between the ULC and the American Law Institute (ALI). In the 1940s, the Falk Foundation supported the UCC's original development. Proceeds from copyright licensing of UCC materials replenish the original funds. Whenever work on the UCC commences, a percentage of ULC and ALI costs are paid from endowment income.

The Commission has also established royalty agreements with major legal publishers that reprint the ULC's uniform and model acts in their publications.

The ULC has a small staff, which keeps its operating costs as low as possible. The full-time staff of 16 (when fully staffed), located in Chicago, provides all the staff support for the administrative, drafting, and legislative efforts.

Particularly in today's economic climate, as states across the country continue to struggle with their budgets, the process of drafting a uniform law remains an immensely cost-effective endeavor.



Current ULC Committees

Drafting Committees

Uniform Law Commission drafting committees consist of a chair, several ULC commissioners from various states, and a reporter (usually a law professor with expertise in the subject matter). The ULC seeks to have one or more ABA advisors appointed to every drafting committee. Other interested groups are also invited to send representatives, known as observers.

ULC drafting committees typically meet two or three times a year for at least two years. Drafting committee meetings are open to the public and full participation in the discussion is encouraged. All drafts are posted on the ULC's website (www.uniformlaws.org) which enables public review and comment.

Currently, 15 drafting committees are working on new and revised uniform and model acts. Proposed acts are subject to rigorous examination and debate at ULC annual meetings before they become eligible for designation as Uniform Law Commission products.

The final decision on whether an act is ready for promulgation to the states is made near the close of an annual meeting, on a vote-by-states basis. To receive final approval, an Act must receive the affirmative vote of 20 or more states, which must also constitute a majority of the states present and voting.

The current drafting committees are:

Drafting Committee on Conflict of Laws in Trusts and Estates Act

This committee is drafting a uniform or model act to address the problems of conflict of laws in trusts and estates. The committee will address trusts, wills, will substitutes, intestacy, estate administration, fiduciary powers and duties, powers of appointments, powers of attorneys, jurisdictional claims, and statutes of limitations.

Drafting Committee on Alcohol Direct Shipping Compliance Act

This committee is drafting a uniform or model act addressing compliance and enforcement issues related to direct-to-consumer shipments of alcoholic beverages.

Drafting Committee on Debt Collection Default Judgments Act

This committee is drafting a uniform or model act or rule applicable to debt collection efforts by third party debt collectors or buyers based on default judgments.

Drafting Committee on Determination of Death Act

This committee will update the Uniform Determination of Death Act (1980), which has been enacted in 44 states. Issues to be addressed include the medical criteria for determining death, the distinction between irreversible versus permanent cessation of brain function, the relevance of particular regions of the brain, and several other issues identified by the study committee.

Drafting Committee on Electronic Estate Planning Documents

This committee will draft amendments to the Uniform Electronic Wills Act, the Uniform Trust Code, and the Uniform Power of Attorney Act to address remote execution of paper documents and the use of electronic estate planning documents other than wills. The committee will also consider whether to develop a stand-alone act for use in states that have not enacted the relevant uniform acts.

Drafting Committee on Restrictive Covenants in Deeds Act

This committee will draft uniform or model state legislation enabling an owner of land for which a discriminatory restrictive covenant appears in the chain of title to have that covenant released or expunged from the records.

Drafting Committee on Mortgage Modifications

This committee will draft uniform or model state legislation on mortgage modifications. Topics to be addressed include the extent to which the modification of some of the terms of a mortgage loan may not require the execution and recordation of an instrument modifying the currently recorded mortgage document, as well as the extent to which the mortgage retains its priority to secure repayment of the debt as modified.

Drafting Committee to Revise the Uniform Health-Care Decisions Act

The committee will update the Uniform Health-Care Decisions Act. The key issues to be addressed include the determination of capacity; default surrogates (including the priority list of those who can act as surrogate, un-befriended patients, and disagreement among surrogates); barriers to use and execution (including electronic documents, the statutory form, and oral designations); and several other issues. The committee will also give careful consideration to whether mental health issues should be addressed.

Drafting Committee on Public Health Emergency Authorities

This committee will draft model state legislation focused on the allocation of authority between state executive branch officials and the legislature (including with respect to preemption of local governments), and processes for the use of such authorities, in responding to public health emergencies including epidemics and pandemics. The committee will provide options to accommodate variations in state constitutions and legal traditions relating to local authority.

Drafting Committee on Public Meetings During Emergencies Act

This committee is drafting a uniform or model act granting state and local agencies the authority to conduct meetings and hearings during emergencies using communication technology and alternative forms of voting, subject to minimum standards relating to technologies used, security, record retention, public access, protection of the rights of parties to contested cases, training to establish competency to use remote communication technologies effectively, and other requirements.

Drafting Committee to Update Uniform Unincorporated Organization Acts

This drafting committee will develop amendments to the Uniform Partnership Act, the Uniform Limited Partnership Act, and the Uniform Limited Liability Company Act, with understanding that the update does not include wholesale policy revisions.

Drafting Committee on Special Deposits Act

This committee will draft uniform or model state legislation on special deposits. A special deposit resembles a prefunded letter of credit with three parties: a funder, a bank, and a beneficiary. The bank pays the beneficiary if a specified condition occurs. If the specified condition does not occur, the special deposit reverts to the funder. The law of special deposits has not developed much since the 1930s, and a uniform or model act could provide greater clarity in this area.

Joint Committee on Uniform Commercial Code and Emerging Technologies

This committee, formed jointly with members from the American Law Institute and the Uniform Law Commission, is drafting amendments to the Uniform Commercial Code to accommodate emerging technological developments. The committee is addressing, among other issues, distributed ledger technology, virtual currency, electronic notes and drafts, other digital assets, payments, and bundled transactions.

Drafting Committee on Telehealth

This committee is drafting a uniform or model act addressing a variety of legal issues related to telehealth services. Issues to be considered include the definition of telehealth, formation of the doctor-patient relationship via telehealth, creation of a registry for out-of-state physicians, insurance coverage and payment parity, and administrative barriers to entity formation.

Drafting Committee on Tenancy in Common Ownership Default Rules Act

The committee will draft uniform or model state legislation to resolve problems arising under common law tenancy in common ownership rules. The committee will develop default rules for management of tenancy in common real estate interests (and the proceeds thereof) that enable less-than-unanimous decisions on at least some management issues while also enabling parties to contract around those rules.

Study Committees

ULC Study Committees review an assigned area of law in light of defined criteria and recommend whether the ULC should proceed with a draft on that subject. Study committees typically do not meet in person. When appropriate, study committees hold meetings with those interested in the area that the committee is exploring to assist in gauging the need for uniform state legislation in an area, the likely scope of any drafting project, and the potential support for a project. ABA section advisors are typically appointed to study committees.

The current study committees are:

Study Committee on U.N. Convention on International Settlement Agreements Resulting from Mediation

The primary focus of this study committee will be on the potential impact of the U.N. Convention on International Settlement Agreements Resulting from Mediation (also known as the Singapore Convention) on existing state law, including how ratification would affect the Uniform Mediation Act and state contract law. If the study committee should conclude that ratification by the U.S. is desirable, it should consider appropriate methods of implementation. This committee is expected to produce recommendations regarding the Convention rather than a recommendation regarding establishment of a drafting committee.

Study Committee on Antitrust

This committee will study the need for and feasibility of a uniform or model act on competition law issues, focused on monopolization and a potential update of the Uniform State Antitrust Act.

Study Committee on Child Participation in Family Court Proceedings

This committee will study the need for and feasibility of a uniform or model act on the procedures through which a child can participate or not participate in family court proceedings when the child's wishes are legally relevant.

Study Committee on Cybercrime

This committee will study the need for and feasibility of a uniform or model act on cybercrime. Issues to be addressed include the gaps and lack of uniformity in existing state criminal law schemes, the desirability of providing for civil remedies in addition to criminal penalties, and the extent to which existing state and federal statutes may be outdated due to technological developments.

Study Committee on Redaction of Personal Information from Public Records

This committee will study the need for and feasibility of a uniform or model law concerning the redaction of personal information, particularly with respect to judges and other public officials, from real property records and other official public records in order to address safety concerns.

Study Committee on Recurring Service Charges

This committee will study the need for and feasibility of a uniform or model act addressing issues related to recurring service charges in consumer transactions. In particular, the committee will consider whether a legal framework should be developed to address situations in which a consumer enters into a subscription or other agreement resulting in recurring charges but then finds it difficult or impossible to cancel the service (such as if the initial transaction is entered into online while cancellations can only occur through other means). The committee will consider possible legislative responses such as a recent California law requiring that any recurring services that can be subscribed to online must also permit online cancellation.

Study Committee on Use of Tenant Information in Rental Decisions

This committee will study the need for and feasibility of a uniform or model law addressing landlords' use of tenant screening reports in rental decisions. Such reports may give landlords outdated, inaccurate, or incomplete information about prospective tenants' involvement in prior litigation (e.g., if the report states that the tenant was a party to litigation with a previous landlord but does not disclose that the tenant was

the prevailing party). In particular, the committee will focus on identifying how widespread any problems may be and whether any act should be directed primarily at commercial providers of screening reports.

Study Committee on Supply Chain Transparency

The committee will study the need for and feasibility of state legislation dealing with transparency in the context of international supply chains. The committee will determine if state legislation to address the existence of child labor, forced labor, human trafficking, and modern slavery in global supply chains (including within the U.S.) is desirable and feasible. The committee will consider different potential legislative options to prevent these human rights abuses, including: (1) disclosure and transparency laws such as those in existing state legislation; (2) laws requiring companies to engage in supply chain due diligence to address human rights impact more generally; or (3) procurement legislation that would link the receipt of state or local contracts to a company's actions. The committee will specifically consider the issue of what types of businesses might be addressed in such legislation, keeping in mind the special considerations for small and medium-sized enterprises.

Study Committee on Election Law

This committee will study the need for and feasibility of a model act on the subject.

Monitoring Committees

There are four monitoring committees which have been appointed with respect to specific areas of the law. These committees are responsible for monitoring new developments in their assigned area.

Criminal Justice Reform Committee

This committee monitors the need for and feasibility of model and uniform state laws that effectuate criminal justice reform and serves as an advisory committee to the Committee on Scope and Program on potential and emerging legislative developments in criminal justice reform. The Committee may be asked to review and consider proposals for criminal justice reform work, but also should consider and when appropriate present proposals to Scope and Program for necessary and feasible uniform or model state laws.

Committee to Monitor Developments in Civil Litigation and Dispute Resolution

This committee was created to monitor developments and trends in civil litigation and alternative dispute resolution, to provide information to the Scope and Program and Executive Committees about these issues, to offer suggestions of issues that may be appropriate for uniform state law, and to offer suggestions on whether current ULC acts in this area should be revised, amended, or withdrawn.

Committee on Technology

This committee was formed to study and monitor developments in technology, particularly as new technologies impact current ULC Acts. The committee provides information to the Scope and Program Committee on these issues and may offer suggestions of issues that may be appropriate for a uniform or model law.

Committee to Monitor Developments in Privacy Law

This committee monitors developments in privacy law and provides suggestions to the Scope and Program and Executive Committees about issues that may be appropriate for uniform state law or current ULC acts in this area that should be revised or withdrawn.

Editorial Boards

Seven editorial boards have been appointed with respect to uniform acts in various subject areas. These boards are responsible for monitoring new developments which may have an impact on the acts and for making recommendations for revising existing acts or drafting new acts in their subject areas. The editorial boards are made up of members from the Uniform Law Commission and other organizations.

Permanent Editorial Board for Uniform Commercial Code

This board is composed of members from the Uniform Law Commission and the American Law Institute. It also includes a Director of Research. The board monitors current drafting activities of the Uniform Commercial Code. It also prepares commentaries and advises its member organizations on further changes needed in the Uniform Commercial Code.

Joint Editorial Board on Health Law

This JEB, authorized in 2021, will recommend study and drafting projects in the area of health law. The American Medical Association, the American Hospital Association, the American Health Law Association, and the ABA Health Law Section are expected to be members of the JEB. This JEB replaces the Committee to Monitor Developments in Healthcare Law.

Joint Editorial Board on Uniform Unincorporated Organization Acts

Members from the ULC and the Business Law Section of the ABA make up this board. The board is responsible for monitoring and reviewing the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Limited Liability Company Act, and other uniform acts related to unincorporated associations.

Joint Editorial Board on International Law

Members of this JEB include representatives from the ULC, the International Law Section of the American Bar Association, the American Society of International Law, and liaison representatives from the United States Department of State Office of Private International Law. The functions of the JEB include: facilitating the promulgation of uniform state laws consistent with U.S. laws and international obligations dealing with international and transnational legal matters; advising ULC with respect to international and transnational legal matters that have the potential to impact areas of the law in which ULC has been, or might become, active; informing and assisting the U.S. government with respect to the negotiation of international treaties and agreements with appropriate consideration of state law perspective and experience; and promoting the principles of rule of law and harmonization of law.

Joint Editorial Board for Uniform Real Property Acts

Representatives of the ULC, the ABA Section of Real Property, Probate and Trust Law, the American College of Real Estate Lawyers, and the Community Association Institute are members of this Joint Editorial Board, and representatives of the American Land Title Association and the American College of Mortgage Attorneys are liaison members. The board is responsible for monitoring all uniform real property acts.

Joint Editorial Board for Uniform Family Law

The JEB for Uniform Family Law includes members from the ULC, the American Bar Association Section of Family Law, the American Academy of Matrimonial Lawyers, and the Association of Family and Conciliation Courts, together with liaison members from the American Association of Law Schools and the ABA Center on Children and the Law. The board is responsible for monitoring all uniform and model acts that are family-law related.

Joint Editorial Board for Uniform Trust and Estate Acts

The board is composed of members from the ULC, the American Bar Association Section of Real Property, Trust and Estate Law, and the American College of Trust and Estate Counsel. The JEB also has liaison members from the Association of American Law Schools, the American Law Institute, AARP, and the National Center for State Courts. The JEB monitors the Uniform Probate Code, Uniform Trust Code, and all other estate and trust related acts.

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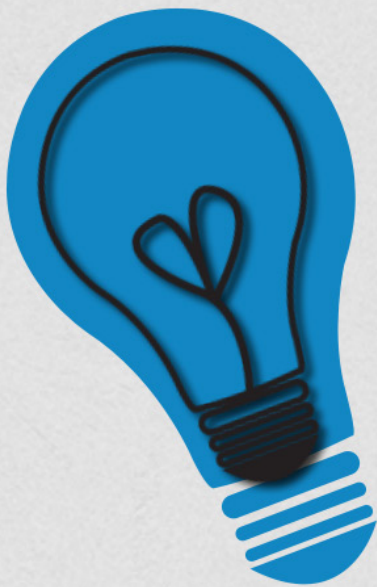
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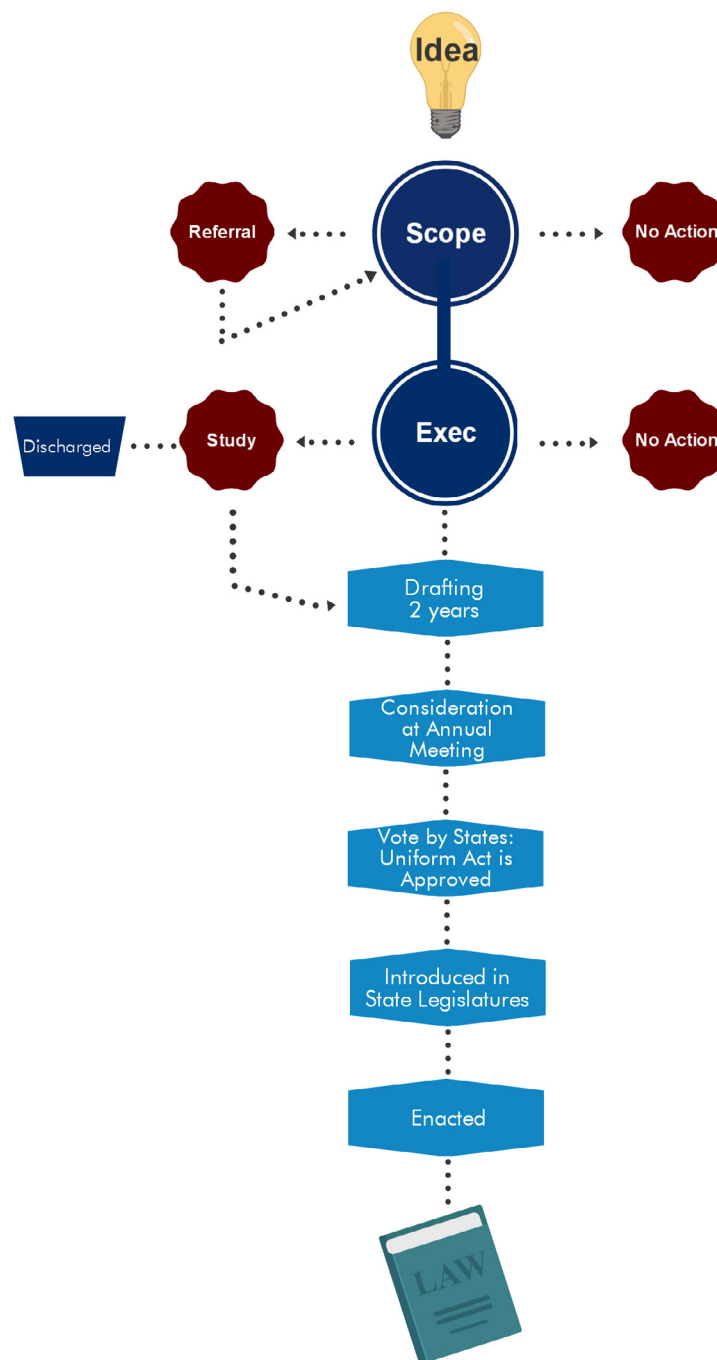
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Ideas for new uniform or model acts are considered by the ULC Committee on Scope and Program, which welcomes requests from organized bar, state governmental entities, private interest groups, uniform law commissioners and private citizens. Any party wishing to suggest an idea for a uniform or model act may contact the ULC headquarters office in Chicago, which will forward the suggestion to the Committee on Scope and Program.

Guidelines concerning the submission of ideas for new uniform or model acts can be found on the ULC's website at www.uniformlaws.org



ABOUT THE UNIFORM LAW COMMISSION

The Uniform Law Commission (ULC), now in its 130th year, provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.

ULC members must be lawyers, qualified to practice law. Commissioners are practicing lawyers, judges, legislators, legislative staff and law professors who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

- ULC strengthens the federal system by providing rules and procedures that are consistent from state to state but that also reflect the diverse experience of the states.
- ULC statutes are representative of state experience because the organization is made up of representatives from each state, appointed by state government.
- ULC keeps state law up to date by addressing important and timely legal issues.
- ULC's efforts reduce the need for individuals and businesses to deal with different laws as they move and do business in different states.
- ULC's work facilitates economic development and provides a legal platform for foreign entities to deal with U.S. citizens and businesses.
- ULC Commissioners donate thousands of hours of their time and legal and drafting expertise every year as a public service and receive no salary or compensation for their work.
- ULC's deliberative and uniquely open drafting process draws on the expertise of commissioners, but also utilizes input from legal experts, and advisors and observers representing the views of other legal organizations or interests that will be subject to the proposed laws.
- ULC is a state-supported organization that represents true value for the states, providing services that most states could not otherwise afford or duplicate.



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