

ANNUAL REPORT 2015/2016



Uniform Law Commission

Better Laws. Stronger States.

The Uniform Law Commission

The Uniform Law Commission (ULC), now 125 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 the movement of individuals and the business of organization 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

Officers 2015-2016

Richard T. Cassidy, President
Melissa Hortman, Vice President
Daniel Robbins, Secretary
Thomas J. Buiteweg, Treasurer
Harriet Lansing, Immediate Past President
Anita Ramasastry, Chair, Executive Committee
Carl H. Lisman, Chair, Scope and Program Committee
Ryan Leonard, Chair, Legislative Committee

Appointed Members of Executive Committee

Anita Ramasastry, Chair
Timothy Berg
William H. Henning
Rodney W. Satterwhite

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PRESIDENT'S MESSAGE



Richard T. Cassidy
ULC President

This past year marked the 125th year of the Uniform Law Commission. That's quite a remarkable milestone. From its first meeting in 1892, the ULC has never wavered from its mission to work for the advancement of the rule of law by drafting statutory solutions to issues facing the states.

In each of the past 125 years, the ULC has faced new problems and issues. Each year the ULC has risen to meet the challenges it faced. This year was no different, and I am happy to report that we have concluded another successful year.

Our 125th Annual Meeting in Stowe, Vermont – the first time the ULC has ever met in my home state – reflected the busy year we had. Seven new acts were approved: Uniform Employee and Student Online Privacy Protection Act; Uniform Family Law Arbitration Act; Revised Uniform Unclaimed Property Act; Uniform Unsworn Domestic Declarations Act; Uniform Unsworn Declarations Act; Uniform Wage Garnishment Act; and Amendments to the Revised Uniform Law on Notarial Acts dealing with foreign remote notarization.

In addition to those final acts, commissioners also read and debated eight additional acts: Limited Liability Company Protected Series Act; Non-Parental Child Custody and Visitation Act; Directed Trust Act; Revised Uniform Parentage Act; Revised Uniform Guardianship and Protective Proceedings Act; Regulation of Virtual Currency Businesses Act; Criminal Records Accuracy Act; and a Model Veterans' Court Act.

In addition to a very successful annual meeting, there were other major developments in our work this year:

Uniform Interstate Family Support Act: Through the hard work of commissioners across the country, the 2008 Amendments to the Uniform Interstate Family Support Act were enacted nationwide. The original UIFSA represented a major overhaul of child support laws by limiting modification of child and family support orders to a single state, eliminating interstate jurisdictional disputes. The 2008 Amendments modify UIFSA's international provisions to comport with the obligations of the United States under the 2007 Hague Convention on the International Recovery of Child Support of Family Maintenance, which was signed by the President in 2008. The UIFSA Amendments give greater enforcement of U.S. orders abroad, and will help ensure that children residing in the United States will receive the financial support due from parents, wherever the parents reside.

American Bar Association: Six uniform acts were approved by the American Bar Association's House of Delegates at the ABA Midyear Meeting in February 2016. The six acts approved by the ABA HOD were: Revised Uniform Athlete Agents Act; Uniform Commercial Real Estate Receivership Act; Uniform Home Foreclosure Procedures Act; Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act; Revised Uniform Residential Landlord and Tenant Act; and Uniform Trust Decanting Act.

New Committees: At the ULC Midyear and Annual Meetings, the Scope and Program and Executive Committees have authorized two new drafting committees and six new study committees. The new drafting committees appointed in 2016 are: Drafting Committee to Amend the Uniform Commercial Code Articles 1, 3, and 9; and Drafting Committee on Unauthorized Disclosure of Intimate Images.

The new study committees appointed in 2016 are: Study Committee on Installment Land Contracts; Study Committee on an Anti-SLAPP Act; Study Committee to Amend the Revised Uniform Law on Notarial Acts; Study Committee on Identity Management in Electronic Commerce; Study Committee on Event Data Recorders in Cars; Study Committee on Trust Management of Funds Raised Through Public Fundraising.

International Activities: The ULC continues its work on international and other harmonization activities. It remains important for us to stay involved in international activities in order to ensure that state law continues to be a vital part of the legal infrastructure of the United States. Thanks to a grant from the Uniform Law Foundation, the ULC has engaged Peter Lown, who will serve as the Executive Director of the International Legal Developments Committee and Research Director to the Joint Editorial Board on International Law. Peter for many years has served as liaison to the ULC from the Uniform Law Conference of Canada.

Transparency: This past year, the ULC has taken steps to improve our internal transparency. Work on a new and improved ULC website continues. The ULC staff has been dedicated to the development of a new, far more functional website. Although not yet complete, we anticipate that it will be ready to go live in 2017.

This past year also saw the launch of the ULC Blog – “ULC Updates.” The blog contains updates on ULC committee work, as well as other ULC news. The blog allows ULC officers, division chairs, committee chairs, and other members to provide relevant information on their work. The blog will focus on highlights rather than try to be comprehensive. We hope that this will expand the ability of members to stay informed and to weigh in on issues between ULC committee meetings.

Legislative Drafting: Thanks to the efforts of my predecessor, ULC President Harriet Lansing, our cooperative effort with Bryan Garner was completed this year with the publication of a new book: *Guidelines for Drafting and Editing Legislation*. The book illustrates Garner’s drafting lessons with detailed comparisons of existing statutes to side-by-side revisions. The comparisons illuminate the workability of good drafting principles. The book has been distributed to all commissioners, as well as state legislative drafting offices.

Thinking about our current projects and those which are under study, you can see that a common, although not universal thread is the impact of technology on people’s lives and the need to keep the law current in light of those changes. Technology has revolutionized transportation and communication, and the law needs our effort in order to keep up!

A second thread that runs through many of our recent projects is the impact of our aging population, as reflected in our Drafting Committee to Revise the Uniform Guardianship and Protective Proceedings Act and more broadly in our recent efforts relating to the law of trusts and estates. Occasionally, these threads may be weaved together, as in our Study Committee on State Regulation of Driverless Cars.

The ULC is up to these challenges. I have participated in our process for 22 years, and I have learned to have faith in our committees, and even greater faith in the ULC and our members. We meet together. We confer together. Why? Because the collective wisdom of this group is superior to the wisdom of any one individual.

I know that in the coming year, this organization will continue to do good work. We will listen to one another, and we will find the best solutions to the issues we face. Thanks to everyone in the ULC family for all that you have done and are doing to make the ULC a successful and important force to improve the law.





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 doesn't end there. What makes the ULC so unique 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.

The 2016 legislative year ended with 67 enactments and 176 introductions. Some of the major highlights from the year include:

Uniform Fiduciary Access to Digital Assets Act

The Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA), approved by the ULC in 2015, was enacted in 20 states in 2016. In the Internet age, the nature of property and our methods of communication have changed dramatically. A generation ago, mail was delivered in person, photos were kept in albums, documents in file cabinets, and money on deposit at the corner bank. For most people today, at least some of their property and communications are stored as data on a computer server and accessed via the Internet.

Collectively, a person's digital property and electronic communications are referred to as "digital assets" and the companies that store those assets on their servers are called "custodians." Access to digital assets is usually governed by a terms-of-service agreement provided by the custodian. This creates problems when account holders die or otherwise lose the ability to manage their own digital assets.

RUFADAA provides legal authority for fiduciaries to manage digital assets in accordance with the user's estate plan, while protecting a user's private communications from unwarranted disclosure.

A fiduciary is a trusted person with the legal authority to manage another's property, and the duty to act in that person's best interest. The Uniform Act covers four common types of fiduciaries: executors or administrators of deceased persons' estates; court-appointed guardians or conservators of deceased persons' estates; agents appointed under powers of attorney; and trustees.

RUFADAA allows users to specify whether their digital assets should be preserved, distributed to heirs, or destroyed. Unless the user consented in a will, trust or other record, a fiduciary will not have access to the content of electronic communication, including emails, photos, or documents stored in a cloud service.

RUFADAA has been enacted in: Arizona, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Maryland, Michigan, Minnesota, Nebraska, New York, North Carolina, Oregon, South Carolina, Tennessee, Washington, Wisconsin, and Wyoming.

Uniform Interstate Family Support Act

Uniform Interstate Family Support Act (UIFSA) provides universal and uniform rules for the enforcement of family support orders by: setting basic jurisdictional standards for state courts; determining the basis for a state to exercise continuing exclusive jurisdiction over a child support proceeding; establishing rules for determining which state issues the controlling order in the event proceedings are initiated in multiple jurisdictions; and providing rules for modifying or refusing to modify another state's child support order.

In 2008, the ULC approved amendments to UIFSA that incorporated provisions of the 2007 Hague Convention on the International Recovery of Child Support of Family Maintenance ("the Convention"). The amendments serve as the implementing language for the Convention throughout the United States, and will improve the enforcement of American child support orders abroad.

In September 2014, Congress enacted federal implementing legislation for the Convention: H.R. 4980, the Preventing Sex Trafficking and Strengthening Families Act. The new measure enacts various amendments to federal law to ensure access to child support services in international child support cases. The new federal law required that all states enact UIFSA 2008 as a condition for the continued receipt of federal funds supporting state child support programs. In 2016, the UIFSA 2008 Amendments were enacted in the final six states, achieving total uniformity across the nation.

On September 7, 2016, the United States deposited its instrument of ratification for The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The Convention will enter into force for the United States on January 1, 2017. The 2008 Amendments to the Uniform Interstate Family Support Act serve as the implementing language for the Convention throughout the states, and will improve the enforcement of American child support orders abroad. Every state has enacted the 2008 Amendments to UIFSA. The ratification of the Convention is the last step to establishing uniform, simple, inexpensive procedures for the processing of international child support cases, which benefits children and those responsible for their care. Ratification of the Convention means that more children residing in the United States will receive the financial support they need from their parents, whether their parents reside in the United States or in a foreign country party to the Convention.

Uniform Partition of Heirs' Property Act

The Uniform Partition of Heirs' Property Act (UPHPA), a state law which helps to protect the interests and needs of vulnerable landowners, was enacted in two states in 2016, bringing its total number of enactments to eight.

"Heirs property" is land that has been passed down through generations of the same family, often without any formal change of title. Although the heirs may believe their inheritance is safe, heirs property is vulnerable to takeover by speculators who buy a single share from one of the heirs, and then file a partition action in court, usually forcing the rest of the family to sell their interests at prices below the true market value, and sometimes resulting in the dispossession of family members from their inherited land.

The Uniform Act establishes a number of important protections for owners of heirs' property, while retaining flexibility for those wishing to sell their interest in the land. It gives family members the right to buy out the interests of outside speculators. If the family chooses to sell their property, the law requires an independent appraisal and an open-market sale to ensure the heirs receive a fair price.

The Uniform Partition of Heirs Property Act provides an important addition to states' laws governing partition for heirs' property, and provides heirs' property owners with significant protections against unexpected and often devastating predatory speculation. The Act will assist heirs' property owners, particularly (but not exclusively) low- to moderate-income heirs' owners, with preserving the integrity and value of property that has both economic and strong familial significance.

The Uniform Act was enacted this year in Hawaii and South Carolina. In South Carolina, the bill was re-named the "Clementa C. Pinckney Uniform Partition of Heirs' Property Act" in honor of the late pastor and Senator Clementa Pinckney, who was killed in the 2015 Emanuel African Methodist Episcopal Church shooting in Charleston.

In addition to these acts, more than 20 different uniform acts were adopted in various states across the country.



New Uniform Acts Approved in 2016

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 125th Annual Meeting in Stowe, Vermont, July 8-14, 2016, seven new uniform acts or amendments to acts were considered and approved. After receiving the ULC's seal of approval, a uniform act is officially promulgated for consideration by the states, and state legislatures are urged to adopt it.

Uniform Employee and Student Online Privacy Protection Act

Today, most individuals have online accounts of some type. These include social media accounts, bank accounts, and email accounts, among others. Generally, when someone asks for access to the login information for, or content of, a personal online account, an individual is free to say no. But that is less true in the employment and educational contexts. Indeed, employers and educational institutions now sometimes ask current and/or prospective employees and students to grant the employer or school access to social media or other name and password protected accounts. The Uniform Employee and Student Online Privacy Protection Act addresses both employers' access to employees or prospective employees' social media and other online accounts accessed via username and password or other credentials of authentication as well as educational institutions' access to students' or prospective students' similar online accounts.

Uniform Family Law Arbitration Act

States' laws vary when it comes to arbitrating family law matters such as spousal support, division of property, child custody, and child support. The Uniform Family Law Arbitration Act standardizes the arbitration of family law. It is based in part on the Revised Uniform Arbitration Act, though it departs from the RUAA in areas in which family law arbitration differs from commercial arbitration, such as: standards for arbitration of child custody and child support; arbitrator qualifications and powers; protections for victims of domestic violence. This Act is intended to create a comprehensive family law arbitration system for the states. It is an overlay statute meant to work together with the state's existing choice-of-law rules and contractual arbitration law.

Revised Uniform Unclaimed Property Act

The ULC first drafted uniform state legislation on unclaimed property in 1954. Since then, revisions have been promulgated in 1981 and again in 1995. Many technological developments in recent years as well as new types of potential unclaimed property, such as gift cards, are not addressed in the most current uniform act. The Revised Uniform Unclaimed Property Act updates provisions on numerous issues, including escheat of gift cards and other stored-value cards, life insurance benefits, securities, dormancy periods, and use of contract auditors.

The Revised Act provides a comprehensive and extensive set of revisions, including provisions related to: when property is presumed abandoned; which state has custody of property; the recovery of unclaimed property from states by owners; the powers and responsibilities granted to state unclaimed property administrators; and the rights of holders to seek administrative and judicial review of examinations conducted by administrators.

Uniform Unsworn Domestic Declarations Act

The Uniform Unsworn Domestic Declarations Act builds upon the Uniform Unsworn Foreign Declarations Act, which covers unsworn declarations made outside the United States. This new Uniform Act permits the use of unsworn declarations made under penalty of perjury in state courts when the declaration was made inside the U.S. States that have already enacted the Uniform Unsworn Foreign Declarations Act (UUFDA) should enact this act.

Uniform Unsworn Declarations Act

The Uniform Unsworn Declarations Act builds upon the Uniform Unsworn Foreign Declarations Act (UUFDA), which covers unsworn declarations made outside the boundaries of the United States, and the Uniform Unsworn Domestic Declarations Act (UUDDA), which covers unsworn declarations made inside the U.S. States that have not enacted the Uniform Unsworn Foreign Declarations Act should enact this Act, which essentially combines both the UUFDA and the UUDDA into one comprehensive Act.

Uniform Wage Garnishment Act

Currently, every state has a different wage garnishment law and process. This means that employers who do business across multiple states must know and abide by a different, and often complex, law for each jurisdiction. If employers make processing errors calculating garnishments, they may face civil penalties. The Uniform Wage Garnishment Act seeks to simplify and clarify wage garnishments for employers, creditors, and consumers by standardizing how the wage garnishment process works and offering plain-language notice and garnishment calculation forms. The UWGA creates a standard system for wage garnishments that is largely removed

from the courts, operates efficiently thereby reducing costs, and provides employees with plain-language notification of their rights and obligations as well as providing them with other protections. The UWGA applies only to what is sometimes called a “debt garnishment,” meaning a garnishment by a creditor with a money judgment.

Revised Uniform Law on Notarial Acts: Amendment on Foreign Remote Notarization

The Amendment to the Revised Uniform Law on Notarial Acts authorizes notaries public to perform notarial acts in the state in which they are commissioned for individuals who are located outside the United States. The amendment is optional for the states. The amendment requires the use of audio- and video-technologies for real-time communication, and requires the notary to record the interaction. It authorizes the commissioning agency to regulate the technologies used. The act of the individual in making the statement or signing the record must not be prohibited in the foreign state in which the individual is physically located. The certificate affixed by the notary to the record must indicate that the notarial act took place while the individual was located in a foreign country.





Spotlight on:

Revised Uniform Unclaimed Property Act

The Uniform Law Commission first approved a uniform act on unclaimed property in 1954 – the Uniform Disposition of Unclaimed Property Act. Since then, the act has been revised in 1966, 1981 (then renamed the Uniform Unclaimed Property Act), and 1995. The unclaimed property laws of most states are based in whole or in part on one of the multiple versions of the Uniform Act.

After nearly 20 years, the ULC has once again revised the act, approving the Revised Uniform Unclaimed Property Act (RUUPA) in 2016. The Revised Act provides necessary updates that keep up with technological innovation and that recognizes new forms of property not included in prior versions of the Act.

Like its predecessors, the Revised Act provides rules for determining when property is actually abandoned, and when it is, for determining which state gets it.

Unclaimed property involves a lot of money – states were estimated to hold over \$40 billion in 2010. The most common types of unclaimed property are bank accounts and bank deposits, life insurance proceeds, trust and fiduciary accounts, securities, wages, amounts owed in business to business and consumer transactions, class action proceeds, money orders and travelers checks.

The key parties involved in the distribution and processing of unclaimed property are the apparent owner, holder, and administrator. The apparent owner is the person whose name appears on the records of a holder as the owner of property held, issued, or owing by the holder. The holder is the person obligated to hold for the account of, or to deliver or pay to, the owner property that is subject to the RUUPA. If the property is “abandoned” under the Act, then the holder must report the property to the administrator, the state official responsible for administering the RUUPA.

Article 2 of RUUPA establishes rules to determine if property is abandoned. Under the Act, property is presumed abandoned if it is unclaimed by its apparent owner after a

specified period of time (the dormancy period). The length of the dormancy period depends on the type of property. RUUPA establishes dormancy periods for some types of property that were not covered in previous versions of the Act, including health savings accounts, custodial accounts for minors, stored-value cards, and more. RUUPA also clarifies that property is not presumed abandoned if the apparent owner shows an interest in the property during the dormancy period designated in the Act.

Article 3 establishes three priority rules to determine which state may take custody of property that is presumed abandoned. The first-priority rule grants custody to the state of the last-known address of the apparent owner, according to the holder's records. The second-priority rule grants custody to the state of corporate domicile of the holder, if there is no record of the address of the apparent owner, or the address is in a state that does not permit the custodial taking of the property. The third-priority rule permits a state administrator to take custody of the property if (1) the transaction involving the property occurred in the state; (2) the holder is domiciled in a state that does not permit the custodial taking of the property; and (3) the last-known address of the apparent owner or other person entitled to the property is unknown or in a state that does not permit the custodial taking of the property.

Under Articles 4 and 5, the holder of property presumed abandoned must send a notice to the apparent owner about the property and must file a report with the administrator about the property.

Articles 6 and 7 describe how the administrator may take custody of unclaimed property and how it may sell it. Except for securities, the RUUPA allows the administrator to sell the property three years after receipt, but it is not required to do so. Securities may be sold three or more years after the administrator receives the security and gives the apparent owner notice. The administrator



is prohibited from selling military medals or decorations awarded for military service. Instead, the administrator may deliver them to military veterans' organizations or governmental entities.

Article 8 directs the administrator to deposit all funds received under the Act into the general fund of the state. Article 8 also requires the administrator to maintain records of the property.

Article 9 addresses various scenarios in which the administrator of one state would need to pay or deliver unclaimed property to another state, either because there is a superior claim to the property by the other state or the property is subject to the right of another state to take custody.

Article 10 explains how an administrator may request property reports and how an administrator may examine records to determine if a person has complied with the Act. Article 11 gives holders the right to seek review of determinations made by the administrator about their liability to deliver property or payment to the state. Article 12 imposes a penalty on a holder that fails to report, pay, or deliver property within the time required by the Act. Civil penalties may also apply if the holder enters into a contract to evade an obligation under the Act.

Article 13 of the RUUPA governs the enforceability of an agreement between an apparent owner and a "finder" to locate and recover property. The Act requires a signed record between the parties to designate the finder as an agent of the owner. Article 14 explains what information is considered confidential under the Act. The Article describes when confidential information may be disclosed under the Act, and the steps that an administrator must take in the event of a security breach.

The Revised Uniform Unclaimed Property Act makes a number of improvements to earlier versions of the uniform act in order to keep up with technological changes and new forms of property. The RUUPA offers a comprehensive set of rules for unclaimed property and should be enacted in every state.

Financing the ULC

Financial Support and Budget



The Uniform Law Commission receives the predominant portion of its financial support from state appropriations. Every state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands is assessed a specific amount of 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. Every Uniform or Model Act the ULC promulgates is developed over the course of two to three years at intensive weekend meetings. Each Act is read and debated on the floor of two ULC Annual Meetings by all of 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 budget of the ULC for the fiscal year ending June 30, 2016, was approximately \$3,986,000, with support from state governments in the total amount of \$2,249,000, accounting for 56.4% 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 any 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 material replenish the original funds. Whenever work on the UCC commences, a percentage of the ULC and ALI costs are paid from endowment income.

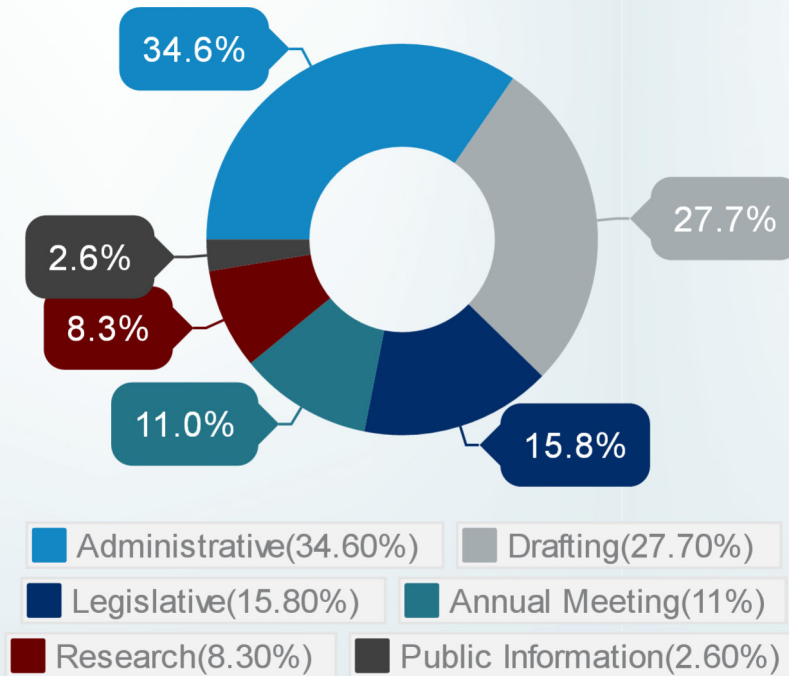
The Commission has also established royalty agreements with major legal publishers that reprint the ULC's uniform and model acts in their publications.

The ULC has a very small staff, which keeps its operating costs as low as possible. The full-time staff of 13 (when fully staffed), located in Chicago, provides all of the staff support for the administrative, drafting, and legislative efforts.

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

FINANCIAL REPORT

Budget for Fiscal Year 2016



Revenues and Expenses





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 discussions is encouraged. All drafts are posted on the ULC's website (www.uniformlaws.org) which enables public review and comment.

Currently, 14 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, with an affirmative vote of 20 or more states necessary for final approval.

The current drafting committees are:

Drafting Committee on Criminal Records Accuracy

Many developments concerning criminal records have occurred over the past twenty years, including the creation of the National Criminal Background Check System in 1993, the establishment of criminal history repositories in all states, and the increasing use of criminal record checks in connection with eligibility for employment, professional and occupational licenses, credit worthiness, and other non-criminal justice purposes. Recent

studies have demonstrated that criminal records accessed for these purposes may be inaccurate or incomplete. Some of the causes of inaccuracy or incompleteness are: lack of information on dispositions after an arrest or other charge has been entered in a database; data entry errors resulting, e.g., in an incorrect listing of the offense, or multiple listings of the same offense, or attribution of an offense to a wrong individual; criminal identity theft (when an arrested person gives another person's identifying information); and searches for criminal record information resulting in one person's criminal record information appearing in search results initiated for a different individual. This drafting committee will draft an act that seeks to improve the accuracy of criminal records.

Drafting Committee to Amend Uniform Commercial Code Articles 1, 3, and 9

A joint Committee comprised of members of the Uniform Law Commission and the American Law Institute will draft revisions to Articles 1, 3, and 9 of the Uniform Commercial Code to provide the substantive commercial law rules to support an electronic registry for residential mortgage notes on a national basis with minimal displacement of state laws. Article 3 rules were developed for a paper-based commercial practice in which residential mortgage notes normally are held in portfolio by the lending bank. The Committee will revise Article 3 to accommodate electronic documentation practices in commercial mortgage transactions. Further, the Committee will undertake revisions to Article 9 provisions governing the granting and perfection of security interests in electronic mortgage notes held as collateral; the way security interests attach; priorities; and possession; as well as the transfer of ownership notes and the transfer of rights in the mortgage securing electronic mortgage notes. Finally, the Committee will consider revisions to key definitions in Article 1 to ensure consistency with revisions to Articles 3 and 9.

Drafting Committee on Directed Trust Act

An increasingly common practice in contemporary estate planning and asset management is the naming of a trustee that is given custody of the trust property, but with one or more of the investment, distribution or administration functions of the trusteeship being given to a person or persons who are not formally designated as trustees. Much uncertainty exists about the fiduciary status of nontrustees who have control or potential control over a function of trusteeship and about the fiduciary responsibility of trustees with regard to actions taken by such nontrustees. Existing uniform trust and estate statutes inadequately address the issues and are at risk of becoming obsolete unless they are amended to take account of these developments. This committee will draft legislation on directed trusts and also will draft conforming amendments to other uniform trust and estate acts as appropriate.

Drafting Committee for a Uniform Electronic Registry for Residential Mortgage Notes

The development of securitization as a common practice with regard to residential mortgage notes has created the need for a more efficient and less costly means than the current paper-based rules of UCC Article 3 to identify who is entitled to enforce a residential mortgage note and how the debt evidenced by the note is transferred. A more efficient system will benefit not only those engaged in the secondary mortgage market, but also note obligors who will have a clear, certain and easily accessible way to determine who is the person entitled to enforce their obligation, and thus the person with whom they must deal with regard to enforcement related issues such as payoff and loan modification. Given the importance of the secondary mortgage market to the availability of capital for residential mortgage loans, a more efficient system is likely to benefit home buyers seeking residential mortgage loans as well. The drafting committee will develop a uniform electronic registry for residential mortgage notes that will be national in its effect, taking into account *inter alia* the appropriate relationship between the registry and other law.

Drafting Committee to Revise the Uniform Guardianship and Protective Proceedings Act

The UGPPA was approved by the ULC in 1982, amended in 1989, and revised in 1997. Nearly 20 states have enacted one or the other version of the act. This drafting committee will revise selected portions of the UGPPA in order to implement some of the guardianship standards recommended by the Third National Guardianship Summit and otherwise to update the act.

Drafting Committee on Limited Liability Company Protected Series Act

The committee is drafting an act that confines protected series to limited liability companies. All modern business entities provide the traditional “vertical” shield – protecting the entity’s owners (and their respective assets) from automatic, vicarious liability for the entity’s debts. A “series” limited liability company provides “horizontal” shields – protecting each protected series (and its assets) from automatic, vicarious liability for the debts of the company and for the debts of any other protected series of the company. A horizontal shield likewise protects the series limited liability company (and its assets) from creditors of any protected series of the company. The current draft uses the “module” approach, meaning that the act is intended not to stand alone, but rather to be plugged into the limited liability company statute of an enacting state.

Drafting Committee to Amend the Model Tribal Secured Transactions Act

The ULC, working closely with representatives of Indian tribes and organizations, promulgated the Model Tribal Secured Transactions Act (MTSTA) in 2005. The act has been adopted by a substantial number of tribal governments. In 2010, the ULC adopted amendments to Article 9 of the Uniform Commercial Code (upon which the MTSTA is based), particularly to provide greater guidance as to the name of an individual debtor that should be provided on a financing statement. This committee, working closely with representatives of Indian tribes and organizations, will draft amendments to the MTSTA that incorporate, as appropriate, some of the 2010 Amendments to UCC Article 9. The committee may also consider preparing other amendments to the MTSTA, such as provisions providing protections for tribal cultural property.

Drafting Committee on a Model Tribal Probate Code

The federal American Indian Probate Reform Act (AIPRA) provides very limited rules concerning probate issues in Indian Country; many probate law issues exist that are addressed in the Uniform Probate Code and in existing law in most states as to which AIPRA is either silent or incomplete. This committee will collaborate with representatives of Tribal governments and others from Indian Country to draft a Model Tribal Probate Code that would supplement and “wrap around” AIPRA so as to be consistent with AIPRA and also better fulfill the purposes of both AIPRA and the Indian Land Consolidation Act.

Drafting Committee on Non-Parental Child Custody and Visitation Act

State legislation and judicial decisions vary greatly concerning the rights of third parties who are not parents (such as grandparents, stepparents, domestic partners, and siblings) to rights of custody of or visitation with a child. Those rights are also affected by the United States Supreme Court's decision in *Troxel v. Granville*, 530 U.S. 57 (2000), which held that courts must give deference to decisions of fit parents concerning the raising of children, including concerning grandparents' visitation rights. This drafting committee will draft an act concerning the rights of third parties other than parents to custody of or visitation with a child. The drafting committee is not authorized to undertake any revisions of the Uniform Parentage Act.

Drafting Committee to Revise the Uniform Parentage Act

The ULC adopted the Uniform Parentage Act in 2000, which was a complete revision of a 1973 uniform act. The UPA 2000 has been adopted in 11 states. The UPA covers a number of topics, including: the parent-child relationship, voluntary acknowledgements of paternity, a registry of paternity, genetic testing, proceedings to adjudicate parentage, and children of assisted reproduction. As a result of the recent Supreme Court decision in *Obergefell v. Hodges*, as well as other developments in the states since the last revision of the UPA, this drafting committee will revise the UPA. The scope of the revision is limited to issues related to same-sex couples, surrogacy, and the right of a child to genetic information.

Drafting Committee to Revise the Uniform Principal and Income Act

Originally enacted in 1931 and then revised in 1962, UPAIA was last comprehensively revised in 1997. Much has changed in the nearly two decades since then. The drafting committee will undertake a number of revisions to bring the UPAIA up to date and to add a unitrust provision. Modern trust law requires a trustee to invest for the best total return and simultaneously to treat income and remainder beneficiaries impartially. In order to fulfill these duties, a trustee should be able to make adjustments between income and principal or to make a unitrust election. The drafting committee will address many other issues, including (1) the treatment of money that a trust receives in partial liquidation of an entity in which the trust owns an interest and (2) the allocation of capital gains to income for income tax purposes.

Drafting Committee on Regulation of Virtual Currency Businesses

This committee will consider the need for and feasibility of drafting state legislation on the regulation of virtual currency businesses, and will examine issues such as licensing requirements, reciprocity, consumer protection, cyber security, anti-money laundering, and supervision of licensees. The interest in virtual currency arises because it is allegedly safer from hacking, often cheaper and faster, and has finality of payment. Virtual currencies have legitimate purposes and can be purchased, sold, and exchanged with other types of virtual currencies or real currencies.

Drafting Committee on Unauthorized Disclosure of Intimate Images

This drafting committee will create civil remedies relating to the unauthorized disclosure of intimate images. The harms resulting from the unauthorized disclosures of intimate images range from embarrassment and anger to severe depression, traumatic stress syndrome, and suicide. The injuries may also include loss of employment and inability to find employment. Frequently, postings of these intimate images are accompanied by the victim's name and address, leading to threats and stalking. The inherent potential for unauthorized disclosure of intimate images over the internet and other technologies present a problem that may transcend state boundaries. Only nine states have enacted laws that provide a private right of action against the person making the unauthorized posting. The intentional public dissemination of intimate images without the subject's consent is not clearly a tort in some jurisdictions.

Drafting Committee on Model Veterans' Court Act

Veterans' courts have been created in a number of judicial districts around the United States to ensure that veterans in the criminal justice system receive the treatment and support necessary to rehabilitate them into being productive members of society. Very few states have legislation on veterans' courts, but many local judicial districts have effectively created veterans' courts by rule or practice. This drafting committee will develop model state legislation that provides guidelines for the establishment of veterans' courts while permitting substantial local discretion necessary to accommodate particular circumstances in different communities. Some of the issues the committee will address include: what subset of veterans are entitled to diversion into a veterans' court; for what type of offenses is diversion into veterans' court appropriate; what rights should victims have to participate in proceedings in veterans' courts; and how, in general, should veterans' courts be organized and operated.

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 in order 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 appointed to Study Committees when such an appointment appears particularly useful.

The current study committees are:

Study Committee on Anti-SLAPP Act

This study committee will study the need for and feasibility of drafting a uniform or model Anti-SLAPP law. The acronym SLAPP stands for Strategic Lawsuit Against Public Participation, meaning a lawsuit of dubious merit brought for the purposes of silencing, intimidating, or retaliating against a defendant who has done nothing more than exercise their lawful rights to free speech and freedom to petition or similar rights. Anti-SLAPP laws seek to protect such rights by allowing such a defendant to make a motion at the outset of the litigation for an expedited review by the Court, with the burden shifted to the plaintiff to show that the lawsuit is meritorious and that the plaintiff will likely prevail at trial.

Study Committee on Bad Faith Patent Demand Letters

Patent assertion entities (PAEs) are companies that hold a number of patents but do not manufacture any product under the patent. While some PAEs are legitimate companies that have acquired a patent as an investment in order to license the patent to a producing entity, it is asserted that other PAEs have no such legitimate intentions and instead act in bad faith by sending broad demand letters to companies that produce products that allegedly infringe the patents, hoping that the producing entity will agree to a quick settlement of the infringement claim rather than face the risk and cost of potentially lengthy and costly litigation. At least 18 states have enacted some legislation concerning this form of bad faith patent litigation, and a number of other states have considered such legislation. This committee will consider the need for and feasibility of enacting uniform or model state legislation concerning bad faith patent demand letters.

Study Committee on Declarations of Quarantine

The recent outbreak of the Ebola virus in Africa, and concerns about its possible migration into the United States, has led to increased focus in this country on the ways in which quarantines are declared and on possible income replacement and employment protection for those who are subject to a declared quarantine. About ten states have legislation concerning employment protection for those who are subject to a quarantine order, and at least one state has legislation providing for some income replacement for those individuals, but that legislation varies widely in its content. This Study Committee will consider the need for and feasibility of enacting uniform or model state legislation concerning a declaration of quarantine, and concerning employment protection and income replacement for those subject to quarantine.

Study Committee on Event Data Recorders in Cars

This committee will study the need for and feasibility of uniform or model state legislation concerning event data recorders in cars. Event data recorders in cars, also known as “EDRs,” “black boxes,” and “sensing and diagnostic modules,” record information, such as vehicle speed, occupants’ seat belt use, vehicle location, and brake usage. The committee will consider the issues raised by the installation of EDRs, including privacy issues, disclosure requirements, ownership of data, use of EDR data as evidence, access to and data retrieval for use by law enforcement or others; use required by or retrieved by insurers; and use of EDR data as evidence in legal proceedings.

Joint Study Committee on Harmonization of the Law of Canada, Caribbean Nations, and the United States Concerning Registration of Foreign Judgments

As a result of discussions involving representatives of the ULC, Caribbean nations, and the Uniform Law Conference of Canada, this Joint Study Committee will study the need for and feasibility of harmonizing the law of Canada, Caribbean nations and the United States concerning the registration in one country of final, conclusive and enforceable money judgments entered in another country in matters other than domestic relations matters.

Study Committee on Identity Management in Electronic Commerce

This study committee will study the need for and feasibility of uniform or model state legislation concerning identity management in electronic commerce. Identity management is a set of processes to manage the identification, authentication, and authorization of individuals, legal entities, devices, or other subjects in online and other electronic contexts.

The committee will consider whether there are viable uniform or model legal approaches to address concerns about trustworthiness, including for example, disclosure requirements that allow parties to accurately assess risks; giving various legal effects to certain types of conduct that might enhance or detract from trust; and imposing requirements that govern conduct to ensure trust. The committee's study will also include examining the need for and feasibility of state law governing the level of security provided by a party to an identity management transaction or by a trust service provider; defining the legal effect of electronic identification and authentication; interstate recognition of an electronic transaction under particular identification and authentication standards; allocation of liability; and remedies for a party's failure to meet its obligations.

Study Committee on Installment Land Contracts

This study committee will study the need for and feasibility of state legislation on installment land contracts, including the nature of the rights and responsibilities held by a purchaser and a seller under an installment land contract, and the remedies available to the seller following purchaser default. Installment land contracts are effectively a form of mortgage substitute. In economic substance, the installment land contract is functionally comparable to a purchase money mortgage in which the seller provides financing of the purchase price. A uniform or model law on the characterization and enforcement of installment land contracts could provide clarity in an area of law and practice with great practical significance for homebuyers who cannot qualify for institutional mortgage financing.

Study Committee to Amend the Revised Uniform Law on Notarial Acts

This study committee will study the need for and feasibility of further amendment to the Revised Uniform Law on Notarial Acts to authorize American notaries to perform notarial acts where the individual appears before the notary by audio, video, or through the use of other technologies.

Study Committee on State Regulation of Driverless Cars

Autonomous vehicle technology is rapidly maturing, and that technology (or driverless cars) will soon be ready to test nationwide. Four states and the District of Columbia have already enacted legislation concerning some aspects of state regulation of driverless cars, and the National Highway Transportation Safety Administration (NHTSA) has issued guidelines for states that may seek to regulate driverless cars. This committee will study the need for and feasibility of drafting state legislation concerning the regulation of driverless cars.

Study Committee on Regulation of Drones

Unmanned aerial vehicles, or "drones," have a range of applications, including law enforcement, wildlife tracking, search and rescue, land surveillance, border patrol, disaster response, and photography. The FAA's drone regulation largely focuses on regulation of the national airspace, with the ultimate goal of integrating drones into that airspace. Several states have enacted legislation addressing law enforcement use of drones. Some states have created crimes based on unlawful use of a drone, and have created civil penalties; these enactments, as well as those limiting police drone usage, aim to protect civilian privacy. While Congress has considered three privacy-related drone bills, it has not enacted any of those bills. Given the federal focus on airspace regulation, issues such as privacy and police use of drones has fallen to the states. This Committee will study the need for and feasibility of state legislation concerning the regulation of the use of drones.

Study Committee on Trust Management of Funds Raised Through Public Fundraising

This committee will study the need for and feasibility of uniform or model state legislation concerning the trust management of funds raised for individuals and families by public fundraising efforts, such as crowdfunding. This study is prompted by the growing number of appeals to the public to provide funds for a person or family in need, many prompted by the rise of online crowdfunding sites. The committee will consider whether a uniform or model law should be drafted to provide clear legal rules governing the use of funds raised through such public appeals. In particular, the committee will examine whether uniform or model law can usefully and feasibly address the appropriate use of funds; preventing potential misuse of funds; liability of custodians for funds; and disposition of excess funds.

Editorial Boards

Six 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, the American Bar Association, the American Law Institute, and other organizations.

Permanent Editorial Board for Uniform Commercial Code

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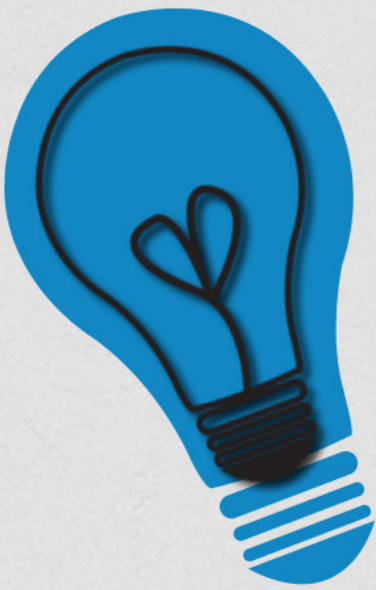
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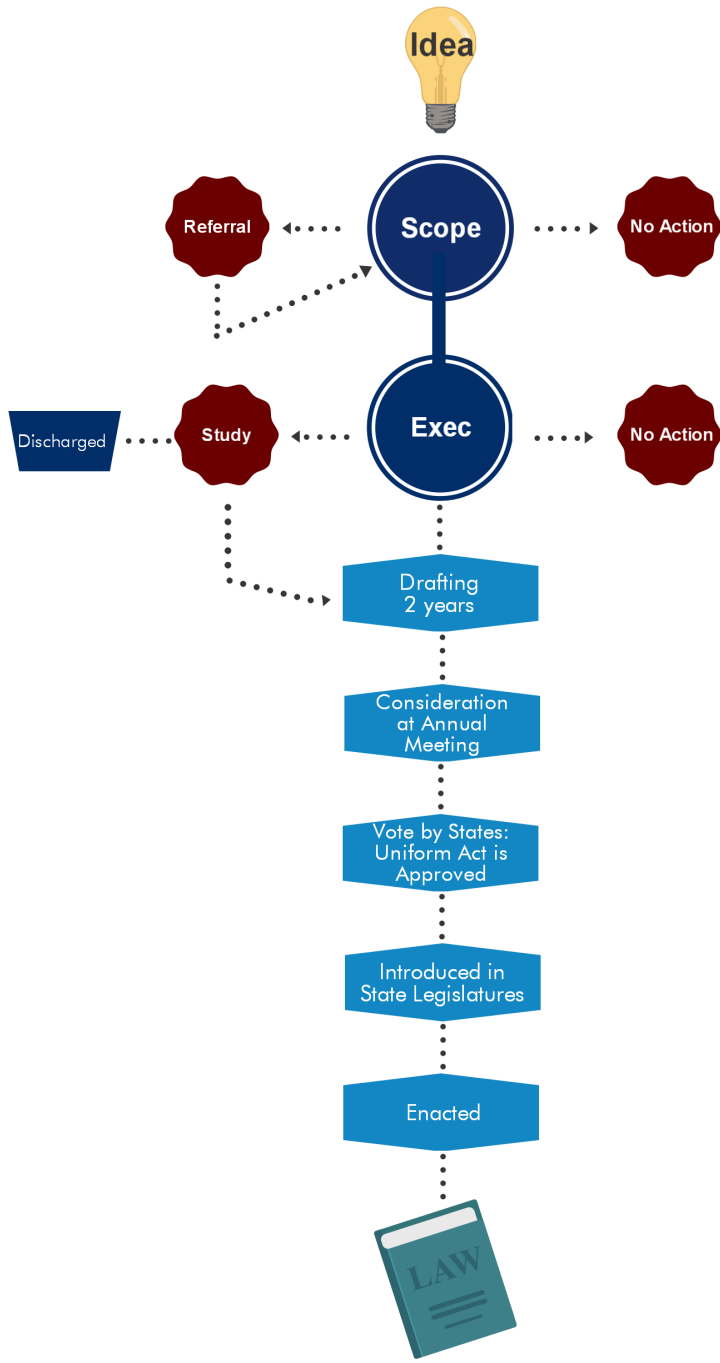
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Ideas for new uniform or model acts are considered by the ULC Committee on Scope and Program, which welcomes requests from organized bar, state governmental entities, private interest groups, uniform law commissioners and private citizens. Any party 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



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The Uniform Law Commission (ULC), now in its 125th 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 and 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.
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