



Annual Report

2017/2018

UNIFORM LAW COMMISSION

BETTER LAWS. STRONGER STATES.

The Uniform Law Commission

The Uniform Law Commission (ULC), now 127 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

Officers 2017-2018

Anita Ramasastry, President
Steve Wilborn, Vice President
Nora Winkelman, Secretary
Thomas J. Buiteweg, Treasurer
Richard T. Cassidy, Immediate Past President
Carl H. Lisman, Chair, Executive Committee
Daniel Robbins, Chair, Scope and Program Committee
Ryan Leonard, Chair, Legislative Committee

Appointed Members of Executive Committee

Carl H. Lisman, Chair
Diane F. Boyer-Vine
Gail Hagerty
Barry C. Hawkins

Executive Director (2015-2018)

Liza Karsai

Interim Executive Director

Steven L. Willborn

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PRESIDENT'S MESSAGE



Anita Ramasastry ULC President

Thank you for the privilege to serve this past year as ULC President. I remain grateful for the sage advice of our past presidents who continue to serve as active leaders in the ULC. As we enter our 128th year, we remain a strong and collaborative body, comprised of commissioners from diverse states and representing many parts of the legal profession.

Our 2018 Annual Meeting in Louisville, Kentucky, marked the first time the ULC had ever met in the Commonwealth of Kentucky. I made it a priority to choose sites for our annual meetings in states that have never hosted a ULC annual meeting: this year Kentucky, and Alaska in 2019. We are an organization comprised of all 50 states as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands. It is important for us to bring our meetings to many States and to share our work and activities with citizens in those locales.

Our 127th Annual Meeting accurately reflected the busy year we had, with the approval of six new acts: Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act; Uniform Criminal Records Accuracy Act; Uniform Fiduciary Income and Principal Act; Revised Uniform Law on Notarial Acts (2018); Uniform Nonparent Custody and Visitation Act; Uniform Supplemental Commercial Law for the Uniform Regulation of Virtual-Currency Businesses Act. (Amendments to UCC Articles 1, 3, 8, and 9, drafted to provide the substantive commercial law rules to support a national electronic registry for residential mortgage notes with minimal displacement of state laws, were also approved. However, until the federal National Mortgage

Note Repository Act referred to in the Amendments is enacted, the Amendments are not part of the official text of the UCC, and states should not undertake to introduce or enact these amendments.)

In addition to those final acts, commissioners also read and debated four additional acts: Electronic Wills Act, Highly Automated Vehicles Act, Registration of Canadian Money Judgments Act, and Tort Law Relating to Drones Act.

The primary focus of my work as President relates to strengthening our core processes and retaining our relevance, a delicate balance. The ULC faces new challenges as it tries to produce excellent laws that are relevant, timely, and enactable in this very rapidly changing world. In the past few years, we have focused on different aspects of our uniform law process, from the work examining our Scope and Program process to our work on strengthening state delegations. To continue these efforts, I have asked a committee on growth and innovation to engage in broader strategic planning regarding the future of our organization, with an emphasis on how to improve our legislative enactment process. The committee is also looking at how to more effectively use technology to enhance our productivity.

PRESIDENT'S MESSAGE

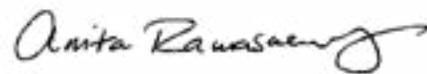
I have tasked a work group to examine our current conflict of interest policy and to examine ways in which we might revise the policy or develop useful guidance for our commissioners on ethics and conflicts of interest relating to our work as commissioners, as well as our work in our own capacity. Other work groups are developing policies relating to prevention of harassment and updating our policy on diversity and inclusion.

Another one of my goals as president was to find a new way to promote our acts, rather than simply rely on written material explaining the acts. With a generous grant from the Uniform Law Foundation, we are producing a series of short videos about our acts, aimed at non-lawyers, legislators and other stakeholders to educate them about our acts and what they mean. In our world of social media, links to these short films may be a new way to reach people and to convey our message to them.

We are also experiencing the rapid development of new business models that embrace emerging technologies. We have projects underway relating to virtual currency, autonomous vehicles and drones, for example. We are assessing possible projects focused on data privacy and cyber security. In each instance, we are grappling with how to provide key state laws that foster innovation and facilitate commerce.

When asked if the ULC is up to the task, we need to remind ourselves and others that the ULC has undertaken complex projects before, focused on emerging issues of technology policy. For example, we made significant contributions to facilitating commercial transactions with the Uniform Electronic Transactions Act and people's abilities to access the digital accounts of their deceased or incapacitated loved ones via the Uniform Fiduciary Access to Digital Assets Act. As we invite new stakeholders to participate in our projects we hope they will learn that our open drafting processes and deliberations yield excellent results.

Thank you for allowing me to lead you as we work together on these important issues. It is a privilege and honor to serve as President of this illustrious organization. This is truly an extraordinary group of people, and I remain grateful for this opportunity to serve and to work with all the members of the Uniform Law Commission.





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 2018 legislative year ended with 62 enactments and 163 introductions. Some of the major highlights from the year include:

Revised Uniform Athlete Agents Act

The Revised Uniform Athlete Agents Act, approved by the ULC in 2015, was introduced in 11 states this year, and enacted in four states, bringing its total number of enactments to 12.

The Revised Act (RUAAA) is an update of the Uniform Athlete Agents Act of 2000, which was enacted in 42 states. The 2000 Act governs relations among student athletes, athlete agents, and educational institutions, protecting the interests of student athletes and academic institutions by regulating the activities of athlete agents. The RUAAA provides enhanced protection for student athletes and educational institutions, and simplifies the regulatory environment faced by legitimate athlete agents.

The Revised Act makes numerous changes to the original act, including expanding the definition of “athlete agent” and “student athlete;” providing for reciprocal registration between states; adding new requirements to the signing of an agency contract; and expanding notification requirements.

The RUAAA provides important protections to student athletes and educational institutions through the regulation of athlete agent activities.

Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act

This comprehensive act, approved in 2017, was adopted in its first state in 2018: Maine. The Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act is an updated version of the Uniform Guardianship and Protective Proceedings Act, originally promulgated in 1969 as part of the Uniform Probate Code and revised in 1982 and 1997. This new version is a comprehensive and modern guardianship statute that better protects the individual rights of both minors and adults subject to a guardianship or conservatorship order. The Act promotes person-centered planning to incorporate an individual's preferences and values into a guardianship order and requires courts to order the least-restrictive means necessary for protection of persons who are unable to fully care for themselves. The act includes a set of optional forms to help courts implement its provisions effectively. The act requires individualized plans and regular monitoring. It also promotes the use of alternatives to guardianship, including supported decision-making and other forms of assistance, and limited court orders.

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 five states in 2018, bringing its total number of enactments to 42. In the Internet age, the nature of property and our methods of communication have changed dramatically. 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. 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.

Uniform Parentage Act (2017)

The Uniform Parentage Act (2017) is a revision of the Uniform Parentage Act (UPA) of 2000, which was adopted in 11 states. The original act covered several topics, including: the parent-child relationship; voluntary acknowledgments of paternity; registry of paternity; genetic testing; proceedings to adjudicate parentage of children of assisted reproduction. As a result of the Supreme Court decision in *Obergefell v. Hodges*, as well as other developments in the states, a revision to the Act became necessary. The revised Act addresses issues related to same-sex couples, surrogacy, the right of a child to genetic information, de facto parentage, and parentage of children conceived through sexual assault. In 2018, the Act was introduced in four states and enacted in three: California, Vermont, and Washington.

Trade Secrets Act Update

Of particular note in 2018 was Massachusetts' enactment of the Uniform Trade Secrets Act. With this enactment, the UTSA has been adopted in 51 states or territories. After 20 years of introducing a version of UTSA in the Massachusetts General Assembly, the act was finally passed in 2018. UTSA provides a legal framework for improved trade secret protection for industry. Completed in 1979 and amended in 1985, it was the first comprehensive effort to codify the law of trade secrets protection.

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





New Uniform Acts Approved in 2018

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 127th Annual Meeting in Louisville, Kentucky, July 20-26, 2018, six new uniform or model acts were considered and approved. After receiving the ULC's seal of approval, a uniform or model act is official promulgated for consideration by the states, and state legislatures are urged to adopt it.

Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act

The disclosure of private, sexually explicit images without consent and for no legitimate purpose - often referred to as “revenge porn” - causes immediate, devastating, and in many cases irreversible harm. A vengeful ex-partner, opportunistic hacker, or other person with malicious intentions can upload an explicit image of a victim to a website where thousands of people can view it and hundreds of other websites can share it. States have adopted criminal and civil laws to address this issue, however, they differ considerably in their definitions, scope, effectiveness, and remedies. This lack of uniformity creates confusion and inefficiency and leaves victims without a clear path to justice. The Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act was drafted to address this problem.

The act creates a cause of action for the unauthorized disclosure of intimate images. The basic elements of this cause of action are: (1) an intentional disclosure or threat to disclose; (2) an intimate image; (3) of an identifiable individual; and (4) without the consent of the depicted individual. Additionally, the act limits liability to those who (5) know or show reckless disregard for whether the depicted individual had a reasonable expectation of privacy or know or show reckless disregard for whether the intimate image was made accessible through theft, bribery, or similarly unlawful means.

The act provides for exceptions to liability for disclosures made in good faith under the act. The act protects the privacy of a plaintiff by allowing the plaintiff to use a pseudonym and otherwise protect his or her identity.

Uniform Criminal Records Accuracy Act

The Uniform Criminal Records Accuracy Act (UCRAA) is designed to improve the accuracy of criminal history records, commonly called a rap sheet, that are frequently used in determining the eligibility of a person for employment, housing, credit, and licensing, in addition to law enforcement purposes. The act imposes duties on governmental law enforcement agencies and courts that collect, store and use criminal history records, to ensure the accuracy of the information contained in the rap sheet.

The act applies to state and local officials and entities responsible for the administration of justice. It requires the collection of biometric information, such as finger prints, for purposes of identification, when permitted or required by law. Prosecutors and courts are required to report the disposition of an arrest to the state's central repository, such as when the person is not charged, charges are dismissed, or the person is acquitted. The failures to report such dispositions with accompanying biometric information are the largest single cause of erroneous records.

It imposes a duty on contributing justice agencies to maintain accurate criminal history records and correct errors regardless of how the errors were discovered. It limits dissemination of criminal history record information for use only as required or permitted by other law of the state. An agency must maintain a log of disclosures. Central repositories must establish procedures to promote the confidentiality and security of criminal-history-record information. An appropriate state official or office shall require periodic audits to verify compliance with the act.

The act establishes the right of the subject of a criminal history record to obtain a copy and seek and obtain correction of errors. It provides remedies to individuals injured by violations of their rights under the act. The act creates a state mistaken-identity-prevention registry to prevent mistaken arrests due to similar names or other factors.

Uniform Fiduciary Income and Principal Act

The Uniform Fiduciary Income and Principal Act (UFIPA) is an updated version of the Uniform Principal and Income Act (UPIA). The UPIA was originally approved by the ULC in 1931 and revised in 1962 and 1997. Nearly every state has adopted a version.

Traditionally, beneficiaries of many trusts were either entitled to receive income earned by the trust investments, or to inherit a share of the trust principal. In the last few decades, the historical distinction between income and principal has become less important for two reasons. First, the development of modern portfolio theory allows trustees to invest for the maximum total return, whether the return is in the form of income or growth of principal. Second, modern trusts are often drafted with more flexible terms giving trustees discretion to accumulate income or invade principal when advantageous to further the purposes of the trust. UFIPA recognizes these developments and gives trustees additional flexibility.

The 1997 UPIA did not include provisions for converting a traditional trust into a “unitrust” to allow for total-return investing. In 2003 the IRS published regulations recognizing unitrust conversions under certain conditions. Once federally sanctioned, over thirty states acted to allow unitrust conversions in some form, but these statutes are not uniform and often overly restrictive. UFIPA contains flexible and innovative unitrust provisions that improve upon current state laws. Trustees can establish a unitrust policy with a variable or adjustable rate of return based on market conditions or on the needs of individual beneficiaries.

Uniform Supplemental Commercial Law for the Uniform Regulation of Virtual-Currency Businesses Act

The Uniform Supplemental Commercial Law for the Uniform Regulation of Virtual-Currency Businesses Act (the “Supplemental Act”) is a follow-up to the Uniform Regulation of Virtual-Currency Businesses Act (URVCBA). The URVCBA establishes a regulatory framework for virtual-currency businesses to operate either by license or registration in a state and creates safeguards to protect consumers. As a regulatory act, the URVCBA provides numerous robust user protections based on commercial law principles but does not directly address the commercial law rules for transactions and relationships between virtual-currency businesses and consumers. This Supplemental Act provides the commercial law rules using the time-tested duties and rights of customers of securities intermediaries under the Uniform Commercial Code. The Supplemental Act does this by incorporating Article 8 of the Uniform Commercial Code into the agreement made between a virtual-currency licensee or registrant and users. The supplemental act is designed to be enacted either concurrently with the URVCBA or after the URVCBA has been enacted in a state.

Revised Uniform Law on Notarial Acts (2018)

The Revised Uniform Law on Notarial Acts (RULONA) was promulgated by the ULC in 2010. Among its features, it included provisions to provide a stable infrastructure for the performance of notarial acts with respect to electronic records and signatures.

Amendments to Revised Uniform Law on Notarial Acts, including a new Section 14A on remote notarization, were approved by the ULC in 2018, resulting in RULONA (2018). The Amendments were prepared in response to a rapidly emerging trend among the states to authorize the performance of notarial acts by means of audio-visual technology. Traditionally, an individual has been required to physically appear before a notary public. In recent years, technology and commercially available identification services have made it possible to perform notarial acts for persons who are not in the physical presence of a notary public.

RULONA 2018 authorizes a notary public to perform notarial acts in the state in which they are commissioned for remotely located individuals using audio-visual communication technology regardless of where the individual may be located.

Uniform Nonparent Custody and Visitation Act (2018)

The Uniform Nonparent Custody and Visitation Act (UNCVA) provides states with a uniform legal framework for establishing child custody and visitation rights of nonparents. In *Troxel v. Granville* (2000), the U.S. Supreme Court recognized a right of a fit parent to make decisions regarding the rearing of his or her child. With that in mind, the UNCVA seeks to balance, within constitutional restraints, the interests of children, parents, and certain nonparents.

UNCVA recognizes a right to seek custody or visitation for two categories of nonparents: (a) nonparents who have acted as consistent caretakers of a child without expectation of compensation, and (b) nonparents who have a substantial relationship (formed without expectation of compensation) with a child and who demonstrate that denial of custody or visitation cause harm to the child with clear and convincing evidence.

UNCVA provides a presumption that the parent’s decision about custody or visitation is in the best interest of the child. A nonparent would have the burden of rebutting that presumption with clear and convincing evidence.



Spotlight On:

Uniform Nonparent Custody and Visitation Act (2018)



The Uniform Nonparent Custody and Visitation Act (UNCVA), approved by the ULC in 2018, provides states with a uniform legal framework for establishing child custody and visitation rights of nonparents. In *Troxel v. Granville*, 530 U.S. 57 (2000), the U.S. Supreme Court recognized the right of a fit parent to make decisions regarding the rearing of his or her child. With that in mind, the UNCVA seeks to balance, within constitutional restraints, the interests of children, parents, and nonparents with whom the children have a close relationship.

Demographics indicate that many children in the United States live with nonparents. In 2016, the U.S. Census Bureau reported that there were more than 75 million children in the U.S. under the age of 18. Of that, just over 50 million were living with both parents. Approximately 17 million children were living with the mother only, 3 million with the father only, and 2.8 million were living with neither parent. Of the children living with neither parent, 1.5 million were living with grandparents.

The important role of nonparents in children's lives has been accentuated by the opioid epidemic. With more than 2.1 million adults experiencing opioid addiction in this country, many relatives have stepped forward to care for the children of parents with opioid addictions. The legal status of these caregivers remains in limbo in many situations.

The act addresses the legal issues raised by the growing number of children who have a substantial and important relationship with individuals other than their legal parents. Notably, the UNCVA:

- Recognizes a right to seek custody or visitation for two categories of nonparents: (a) nonparents who have acted as consistent caretakers of a child without expectation of compensation, and (b) nonparents who have a substantial relationship (formed without expectation of compensation) with a child and who demonstrate that denial of custody or visitation cause harm to the child with clear and convincing evidence.
- Requires that a nonparent's petition be verified and include specific facts on which the request for custody or visitation is based. This will aid courts in filtering out cases in which the petitioner does not have a meritorious claim and will facilitate more efficient and clear procedures for evaluating custody and visitation petitions.



- Provides a presumption that the parent’s decision about custody or visitation is in the best interest of the child. A nonparent would have the burden of rebutting that presumption with clear and convincing evidence.
- Requires that when custody or visitation rights are sought, notice must be provided to: (a) any parent of the child; (b) any person having custody of the child; (c) any individual having court-ordered visitation with the child; and (d) any attorney, guardian, or similar representative for the child.
- Provides a list of factors to guide the court’s decision regarding the child’s best interest. These factors include the child’s relationships with parents and nonparents, the opinion of the child, the age and maturity of the child, past behavior by parents or nonparents, and the impact of the requested rights on the child.
- Provides protections for victims of domestic abuse. The court shall presume that custody or visitation rights are not in the best interests of the child if the court finds abuse, neglect, violence, sexual assault, or stalking was committed by the nonparent or member of the nonparent’s household.
- Provides that a nonparent granted visitation may be ordered to pay the cost of facilitating visitation, including the cost of transportation.
- Does not apply to a proceeding between two or more nonparents unless a parent is a party, nor does the act apply to children who are the subject of proceedings for abuse, neglect, or dependency.

Continuation of a relationship between a child and a nonparent can be in the best interests of the child. This act balances the right of a child to maintain contact with a nonparent with whom the child has developed a bonded relationship and the rights of a parent.

Financing the ULC

Financial Support and Budget

As a state service organization, the Uniform Law Commission depends upon 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. 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 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 budget of the ULC for the fiscal year ending June 30, 2018, was approximately \$4,316,000, with support from state governments in the total amount of \$2,398,000 accounting for 55.6% 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 materials replenish the original funds. Whenever work on the UCC commences, a percentage of ULC and ALI costs are paid from endowment income.

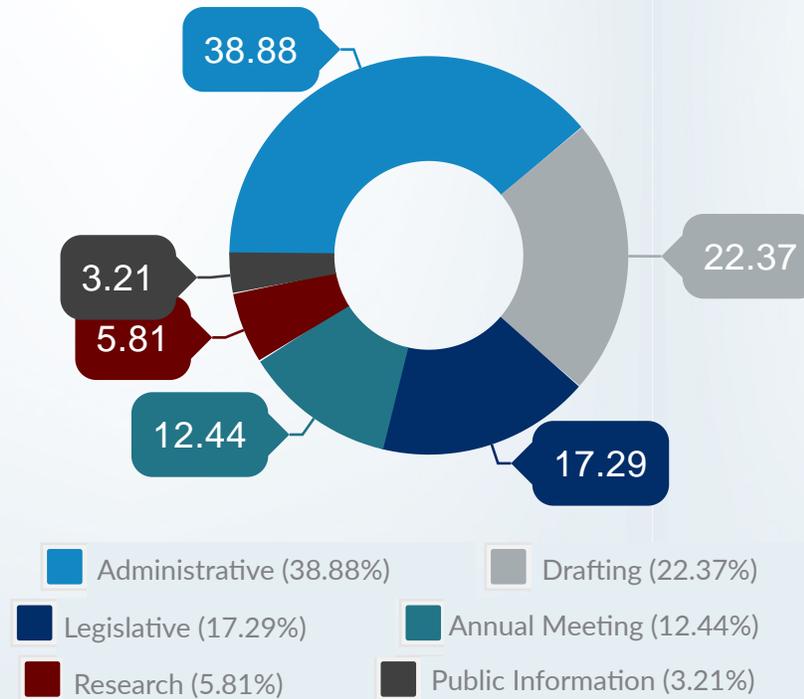
The Commission has also established royalty agreements with major legal publishers that reprint the ULC's Uniform and Model Acts in their publications.

The ULC has a very small staff, which keeps its operating costs as low as possible. The full-time staff of 15 (when fully staffed), located in Chicago, provides all the staff support for the administrative, drafting, and legislative efforts.

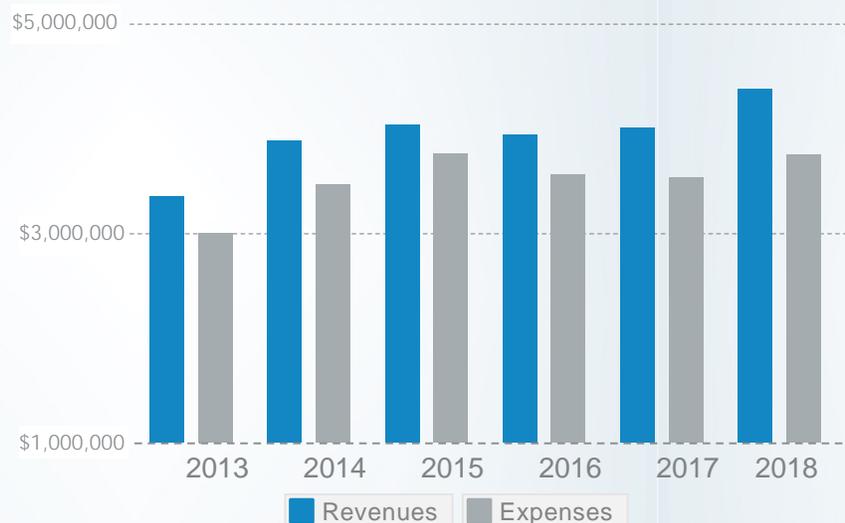
Particularly in today's economic climate, as states across the country continue to struggle with their budgets, the process of drafting a uniform law remains an immensely cost-effective endeavor.

FINANCIAL REPORT

Budget for Fiscal Year 2018



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

Currently, 11 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 Economic Rights of Unmarried Cohabitants

The rate of nonmarital cohabitation within the U.S. is increasing, but there is no consistent legal doctrine among the states for division of jointly acquired property when cohabitants break up or when one cohabitant dies. Instead, courts must resolve disputes on a case-by-case basis. This committee will draft a uniform or model law to standardize the economic rights of unmarried cohabitants.

Drafting Committee on Alternatives to Bail

Money bail is one of the tools used by courts to ensure that a person accused of committing a crime will return to court for trial and is common in most places throughout the United States. Methods of implementing money bail through state law or court rule vary greatly across the country. This creates a problem of disproportionate treatment of individuals which impacts many aspects of their lives which contributes to inequality in the U.S. criminal justice system. While the use of money bail can be useful in procuring the attendance of accused individuals in court, statistics have shown that its use has caused significant harms to low-income populations and their communities, and largely affects people of color.

The drafting committee will be tasked with drafting state legislation that will provide policy solutions to mitigate the harmful effects of money bail. The drafting committee will review critical areas of pretrial justice, such as: the encouragement of the use of citations in lieu of arrest for minor offenses; appointment of counsel at a defendant's first appearance; implementation of pretrial risk assessment screening, leading to individualized determinations of release or detention; prohibiting the use of money bail as a mechanism to trigger preventative detention; limiting the use of preventative detention; and more.

Drafting Committee on Anti-SLAPP Legislation

The acronym SLAPP stands for Strategic Lawsuit Against Public Participation, meaning a lawsuit of dubious merit brought for the purpose of silencing, intimidating, or retaliating against a defendant who has done nothing more than exercise First-Amendment 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. The drafting committee will address the breadth of the act; limitations, if any, to be imposed after a motion to strike is made; the standard of review relating to the motion to strike; appeal rights from the grant or denial of a motion to strike; and whether the court should award attorney's fees and costs.

Drafting Committee on Electronic Registry for Residential Mortgage Notes Act

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, if necessary, develop a uniform electronic registry for residential mortgage notes that will be national in its effect, taking into account the appropriate relationship between the registry and other law.

Drafting Committee on Electronic Wills Act

Legal documents must be executed with certain formalities to ensure the signor is acting with the required intent and without undue influence. Traditionally, special protections have been required for wills because the testator who signs cannot provide evidence of intent once deceased. Most state laws require a will to have two disinterested persons sign as witnesses, although some more recent laws authorize notarized signatures.

For a generation that communicates, shops, and banks online, these rules requiring paper forms seem anachronistic. Private vendors have begun offering online estate planning services and a few states have passed laws allowing the practice. This committee will draft a uniform act or model law addressing the formation, validity and recognition of electronic wills, with appropriate technology-based safeguards to ensure the integrity of these documents for admission to probate.

Drafting Committee on Highly Automated Vehicles Act

This committee is working on a uniform law covering the deployment of automated driving systems (SAE levels 3 through 5). The Committee may address a number of legal and policy issues raised by automated driving, including driver licensing, vehicle registration, insurance, vehicle equipment, and rules of the road among others. The committee aims to reconcile automated driving with a typical state motor vehicle code.

Drafting Committee to Regulate the Management of Funds Raised Through Crowdfunding Efforts

The growing number of informal appeals to the public to provide funds for a person or family in need, prompted by the rise of online crowdfunding sites, has raised new legal issues. Some appeals “go viral” and quickly raise hundreds of thousands, or even millions, of dollars. When that happens, who legally owns the funds for tax purposes? Who has authority to ensure the funds are used for the intended purpose? What happens to excess funds after the purpose has been fulfilled or has become impossible to fulfill? Do any fiduciary duties apply? This committee will draft a uniform law or model act to regulate the management of funds raised through crowdfunding efforts.

Drafting Committee on Registration of Canadian Money Judgments

This committee will work jointly with members appointed by the Uniform Law Conference of Canada to harmonize the law between Canada and U.S. jurisdictions regarding the registration of final and conclusive foreign money judgments originating in either country (enforceable in the jurisdiction of origin) where recognition is sought in a jurisdiction in the other country, which are not already excluded from the coverage of the Canadian Uniform Foreign Country Money Judgment Recognition Act or the Uniform Enforcement of Foreign Judgments Act.

Drafting Committee on Relocation of Non-Utility Easements

This committee will draft a law addressing the circumstances and conditions under which a non-utility easement may be relocated. Under the common law of property, easements cannot be relocated without the mutual consent of the easement holder and the landowner whose land is burdened by the easement. Critics contend the traditional rule gives the easement holder an unfair bargaining position, allowing the easement holder to demand payment even when the relocation has no detrimental effect. If the relocation is necessary for development of the real estate, an easement holder can demand outsized compensation to allow the development to proceed. This committee will draft a law to permit unilateral relocation of certain easements under some circumstances, with appropriate protections for easement holders against any loss or reduction of their access rights.

Drafting Committee on Tort Law Relating to Drones

This committee is working on a uniform law addressing tort liability and defenses uniquely associated with the use of aerial drones. Issues under consideration include acquisition of private information of another by improper means, disclosure or use of private information obtained by improper means without consent, trespass by drone, nuisance by drone, self-help and defense of others, and tort action by any party, including a drone owner operator damaged by tortious behavior which includes the use of an unmanned vehicle.

Drafting Committee on Unregulated Transfers of Adopted Children

Unregulated transfers of adopted children occur when adoptive families give their child to another person or family outside of the courts and the child welfare system. The transfer is typically made with a power of attorney. Without specific regulations directed at this occurrence, a transfer of custody of an adopted child might go unnoticed within the child welfare system. This committee will draft a uniform or model law addressing the unregulated transfer of adopted children, whether through use of a power of attorney or other mechanism.

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 appointed to study committees when such an appointment appears particularly useful.

The current study committees are:

Study Committee on Revisions to the Uniform Common Interest Ownership Act

The Uniform Common Interest Ownership Act (UCIOA) contains provisions for the formation, management, and termination of any common interest community, including condominiums, planned communities, and real estate cooperatives. This committee will consider the need for and feasibility of revisions to UCIOA and the Uniform Condominium Act.

Study Committee on Online Privacy Protection

This committee will study the need for and feasibility of a uniform or model law providing protection of online privacy.

Study Committee on Declarations of Quarantine

The 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. 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 Covenants Not to Compete

This committee will study the need for and feasibility of a uniform or model law governing covenants not to compete in employment and related contexts.

Study Committee on Data Breach Notification

This committee will study the need for and feasibility of state legislation on data breach notification. The committee will consider the personal information that should be protected and the methods and manner of notice.

Study Committee on Event Data Recorders in Cars

This committee is studying the need for and feasibility of uniform or model state legislation concerning event data recorders and all generated vehicle data. The committee will consider the issues raised by the installation of data recorders in vehicles, including privacy issues; disclosure requirements; ownership of data; 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.

Study Committee on Extreme Risk Protection Orders

This committee will consider the need for and feasibility of a uniform or model law on extreme risk protection orders. “Extreme risk protection order” provisions are laws which permit law enforcement officers or family members to petition a court to order removal of firearms from an individual who is considered to present a danger to themselves or others. Twelve states have passed such laws, and several other states have considered – or are currently considering – similar legislation.

Study Committee on Direct to Consumer Sales of Wine, Beer, and Distilled Spirits

This committee will study the need for and feasibility of a uniform or model law governing direct to consumer sales of wine, beer, and distilled spirits.

Study Committee on Garnishment of Wages in Bank Accounts

This committee will study the need for and feasibility of state legislation specifically on garnishment of wages in bank accounts or more generally on exemptions of asset classes from claims of creditors.

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.

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 to Monitor Developments in Healthcare Law

The committee was formed to study and monitor any developments in health care law, provide information to the Scope and Program and Executive Committees about these issues, offer suggestions of issues that may be appropriate for uniform state laws, and to offer suggestions and input, upon request, to the ULC about healthcare law and related issues.

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 and Executive Committees on these issues and may offer suggestions of issues that may be appropriate for a uniform or model law.

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 Scope and Program and Executive Committees 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, and when appropriate present proposals to Scope and Program for necessary and feasible uniform or model state laws.





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

This board is composed of members from the American Law Institute and the ULC. 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 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 on International Law

Members of this JEB include representatives from the ULC and the International Law Section of the American Bar Association, 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 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.

Joint Editorial Board on Uniform Unincorporated Organization Acts

Members from the Business Law Section of the ABA and the ULC 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.

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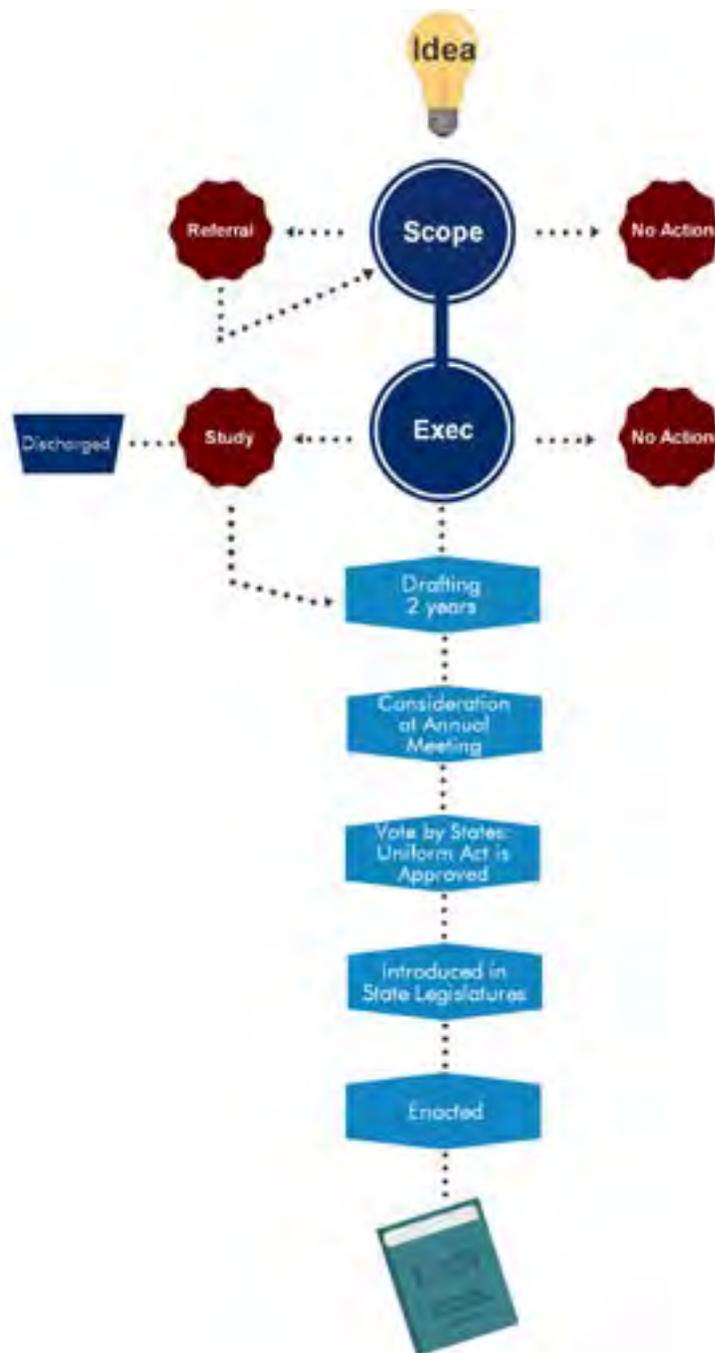
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Ideas for new uniform or model acts are considered by the ULC Committee on Scope and Program, which welcomes requests from organized bar, state governmental entities, private interest groups, uniform law commissioners and private citizens. Any party 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 127th 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.
- 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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