



Uniform Law Commission

2013-2014

*Guide to Uniform and Model Acts*

**UNIFORM LAW COMMISSION**

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## Uniform Law Commission

The Uniform Law Commission (ULC), now 122 years old, promotes uniformity of law among the several states on subjects as to 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 organizations with rules that are consistent from state to state.

Uniform Law Commissioners must be lawyers, qualified to practice law. They 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.

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For information about the ULC, go to [www.uniformlaws.org](http://www.uniformlaws.org).

# INTRODUCTION

This publication is a guide to uniform and model acts promulgated by the Uniform Law Commission and currently recommended for enactment. It is prepared for the use of legislators, legislative drafting bureaus, commissioners, and others interested in state legislation.

It can be used in several ways to locate uniform and model laws for use in drafting legislation in your state:

- To locate a law dealing with a topic on which legislation is desired in your state.
- To locate laws dealing with topics on which other states have enacted legislation, which may suggest desirable topics for legislation in your state.
- To locate unadopted laws which are related to uniform laws already adopted in your state.
- To locate new laws which supersede old laws still in effect in your state.

This guide has these special features:

- A subject-matter index identifies laws dealing with a particular area of the law.
- An index to the Target List.

Targets are uniform acts that are prioritized in a given legislative session based on several criteria, including:

- the relative importance of the subject matter to the ULC’s overall portfolio;
- the likelihood of wide adoption, including a track record to that effect;
- the relative level of stakeholder support;
- the status of the act (are amendments or revisions currently being contemplated?);
- the suitability of the act for direct introduction without significant preparation or lead time;
- the implication of state subject matter jurisdiction (i.e. federal preemption) or involvement of the UCC.

Targets to Complete are uniform acts already adopted in a significant number of jurisdictions, where attaining national uniformity is deemed desirable and attainable.

- An enactment chart shows precisely where each act has been adopted.

## PLEASE NOTE:

- The term “related acts” in this Guide refers to other related acts described in this Guide.
- The year which follows the title of each act is the year of promulgation. Each year thereafter refers to the year the act was amended or revised.
- An asterisk (\*) indicates that the act is currently being revised by the Uniform Law Commission.
- The term “adoptions” in this Guide refers to adoptions by the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. It includes adoptions through September 30, 2013.
- An act is designated as “Uniform” if there is substantial reason to anticipate enactment in a large number of jurisdictions, and uniformity of the provisions of the act among the various jurisdictions is a principal objective.
- An act is designated as “Model” if uniformity may be a desirable objective, although not a principal objective, and the act may promote uniformity and minimize diversity, even though a significant number of jurisdictions may not adopt the act in its entirety, or the purposes of the act can be substantially achieved, even though it is not adopted in its entirety by every state.

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# UNIFORM AND MODEL ACTS

## MODEL ADOPTION ACT (1994)

Adoptions ..... 1

Purpose.....A comprehensive codification of adoption law, covering everything from birth parent consent to adoption record confidentiality.

Related Acts .....Child Custody Jurisdiction and Enforcement; Interstate Enforcement of Domestic-Violence Protection Orders; Interstate Family Support; Parentage.

## UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT (2007)

Adoptions: .....38

Purpose:.....This act addresses the issue of jurisdiction over adult guardianships, conservatorships, and other protective proceedings. Because there are more than fifty guardianship systems in the United States, problems of determining jurisdiction are frequent. This act provides an effective mechanism for resolving multi-state jurisdictional disputes. It contains specific guidelines to specify which court has jurisdiction to appoint a guardian or conservator for an incapacitated adult. The objective is that only one state will have jurisdiction at any one time.

Related Acts: .....Child Custody Jurisdiction and Enforcement; Probate Code.

## UNIFORM ANATOMICAL GIFT ACT (2006)(2007)

Adoptions ..... 48

Purpose.....This Act revises the Uniform Anatomical Gift Acts of 1968 and 1987 in light of changes in federal law and regulations, and related developments in the field of organ donation. Like the prior versions, the new UAGA provides that any individual may make an anatomical gift by signing a document of gift. No witnesses are necessary for this document, and the donor's wishes are not subject to change by others. The revision also expands the number of individuals allowed to consent to make anatomical gifts, and encourages the use of donor registries and provides standards for their operations.

Related Acts .....Determination of Death; Health-Care Decisions.

Supersedes .....Anatomical Gift (1968)(1987).

## MODEL APPORTIONMENT OF TORT RESPONSIBILITY ACT (2002)(2003)

Adoptions ..... 0

Purpose.....Sets out rules to allocate financial responsibility on a modified comparative fault basis among multiple parties liable for negligent or willful misconduct, including the misconduct of injured parties.

Related Acts .....Punitive Damages.

## UNIFORM ARBITRATION ACT (2000)

Adoptions ..... 18

Purpose.....Revises the Uniform Arbitration Act of 1956, adopted in 49 states, to reflect new developments in arbitration law.

Related Acts .....Collaborative Law; Common Interest Ownership; Mediation.

Supersedes .....Arbitration (1956).

## UNIFORM ASSET-FREEZING ORDERS ACT (2012)

Adoptions ..... 0

Purpose.....This act creates a uniform process for the issuance of asset freezing orders, which are in personam orders freezing the assets of a defendant in order to prevent a party from dissipating assets prior to judgment.



## **UNIFORM ASSIGNMENT OF RENTS ACT (2005)**

Adoptions ..... 5

Purpose..... This Act seeks to bring consistency to commercial real property transactions by establishing a comprehensive statutory model for the creation, perfection, and enforcement of security interests in rents derived from real estate.

Related Acts ..... Residential Landlord and Tenant.

## **UNIFORM ATHLETE AGENTS ACT (2000)**

Adoptions ..... 42

Purpose..... Governs relations among student athletes, athlete agents, and educational institutions. It protects the interests of student athletes and academic institutions by regulating the activities of athlete agents.

## **UNIFORM BUSINESS ORGANIZATIONS CODE (2011)(2013)**

Adoptions ..... 1

Purpose..... The primary purposes of the Uniform Business Organizations Code are to harmonize the language of all of the uniform unincorporated entity acts, and to revise the language of each of those acts in a manner that permits their integration into a single code of entity laws. The 2013 Amendments address necessary technical corrections.

Related Acts ..... Partnership; Limited Partnership; Limited Liability Company; Limited Cooperative; Unincorporated Nonprofit Association; Statutory Trust Entity; Registered Agents; Entity Transactions.

## **UNIFORM CERTIFICATE OF TITLE ACT (2005)(2006)**

Adoptions ..... 0

Purpose..... This Act provides rules for the transfer of interests in motor vehicles (excluding mobile homes and watercraft). The Act provides improved administrative rules and remedies governing vehicle titles and perfection of security interests in motor vehicles consistent with the demands of the electronic marketplace.

Related Acts ..... Certificate of Title for Vessels; Commercial Code Article 2A; Commercial Code Article 9.

## **UNIFORM CERTIFICATE OF TITLE FOR VESSELS ACT (2011)**

Adoptions ..... 1

Purpose..... The Uniform Certificate of Title for Vessels Act establishes a certificate of title system for boats and other watercraft. The major objectives of the Act are to: (1) qualify as a state titling law that the Coast Guard will approve; (2) facilitate transfers of ownership of a vessel; (3) deter and impede the theft of vessels by making information about the ownership of vessels available to both government officials and those interested in acquiring an interest in a vessel; (4) accommodate existing financing arrangements for vessels; and (5) provide certain consumer protections when purchasing a vessel through the Act's branding initiative.

Related Acts ..... Certificate of Title.

## **UNIFORM CERTIFICATION OF QUESTIONS OF LAW ACT (1995)**

Adoptions ..... 8

Purpose..... Assures that key interpretations of a state's law are made by the state's own highest court, by empowering the court to answer questions certified to it by a federal court, an appellate court of another state, or courts of Canada or Mexico. This act modernizes the earlier version, which was adopted in 21 states.

Related Acts ..... Statute and Rule Construction; Transfer of Litigation.

Supersedes ..... Certification of Questions of Law (1967)(1990).

## **UNIFORM CHILD ABDUCTION PREVENTION ACT (2006)**

Adoptions ..... 13

Purpose..... This act provides courts with guidelines to follow during custody disputes and divorce proceedings, to help courts identify families at risk for abduction, and to provide methods to prevent the abduction of children.

Related Acts ..... Child Custody Jurisdiction and Enforcement; Interstate Enforcement of Domestic-Violence Protection Orders; Marriage and Divorce.

## **UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT (1997)(2013)**

Adoptions ..... 51

Purpose..... Revises the 1968 Uniform Child Custody Jurisdiction Act, which was adopted in every state, and brings it into compliance with the federal Parental Kidnapping Prevention Act. This act limits child custody jurisdiction to one state, avoiding competing orders, and provides enforcement provisions for child custody orders. The 2013 Amendments were drafted as part of the effort to implement the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement, and Co-operation in respect of Parental Responsibilities and Measures for the Protection of Children.

Related Acts ..... Adoption; Child Abduction Prevention; Deployed Parents Custody and Visitation; Interstate Enforcement of Domestic-Violence Protection Orders; Interstate Family Support; Marriage and Divorce; Representation of Children in Abuse, Neglect, and Custody Proceedings.

Supersedes ..... Child Custody Jurisdiction Act (1968).

## **MODEL CHILD WITNESS TESTIMONY BY ALTERNATIVE METHODS ACT (2002)**

Adoptions ..... 4

Purpose..... Provides procedures for taking the testimony of children in criminal or civil proceedings, permitting a child, for good cause, to testify outside the courtroom and the immediate presence of a defendant.

Related Acts ..... Rules of Evidence.

## **UNIFORM CHOICE OF COURT AGREEMENTS CONVENTION IMPLEMENTATION ACT (2012)**

Adoptions ..... 0

Purpose..... The Uniform Choice of Court Agreements Convention Implementation Act will assist in the implementation and ratification of the Hague Convention on Choice of Court Agreements, and is meant to harmonize with federal implementing legislation.

## **UNIFORM COLLABORATIVE LAW ACT/RULES (2009)(2010)**

Adoptions: ..... 8

Purpose:..... This Act standardizes the most important features of collaborative law, a form of alternative dispute resolution that is becoming more popular in the states. Collaborative law is now used mainly in family law disputes, but its practice has spread to other areas of the law, including the settlement of contract and insurance disputes. The Act encourages the development and growth of collaborative law as an option for parties that wish to use it. The Act mandates the essential elements of disclosure and discussion between prospective parties in order to guarantee that all parties enter into the collaborative agreement with informed consent. Amendments approved in 2010 create an explicit mechanism for the operative provisions of the act to be adopted in rule, rather than statute.

Related Acts: ..... Arbitration; Mediation

## **UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT (2009)(2010)**

Adoptions:..... 1

Purpose:..... This Act addresses the various penalties and disqualifications that individuals face incidental to criminal sentencing, which are often known as “collateral consequences” and include such penalties as disqualification from voting, prohibitions from running for office, exclusion from certain types of employment, etc. The Act improves the understanding of such penalties, and in appropriate circumstances, offers a mechanism to provide partial relief from the disabilities. The provisions in the Act are largely procedural, and designed to rationalize and clarify policies and provisions which are already widely accepted by the states. Amendments approved in 2010 responded to the Supreme Court decision in *Padilla v. Kentucky*.

## **UNIFORM COMMERCIAL CODE ARTICLE 1, GENERAL PROVISIONS (2001)**

Adoptions ..... 47

Purpose..... Updates the general provisions section of the UCC to harmonize with recent revisions of the UCC.

Related Acts ..... Other Articles of Commercial Code.

Supersedes ..... Commercial Code Article 1 (1951)

## **UNIFORM COMMERCIAL CODE ARTICLE 2A, LEASES (1987)(1990)**

Adoptions ..... 51

Purpose..... Provides a legal framework for leases of personal property, similar to Article 2 which covers sales.

Related Acts ..... Other Articles of Commercial Code; Certificate of Title; Consumer Leases.

## **UNIFORM COMMERCIAL CODE ARTICLES 3 AND 4, NEGOTIABLE INSTRUMENTS AND BANK DEPOSITS AND COLLECTIONS (1990)(2002)**

Adoptions ..... 52

Purpose..... Updates provisions of the UCC dealing with payment by checks and other paper instruments to provide essential rules for the new technologies and practices in payment systems. UCC3/4 was amended in 2002 to keep pace with developments of legal rules in this area.

Related Acts ..... Other Articles of Commercial Code.

Supersedes ..... Commercial Code Articles 3 and 4 (1951).

## **UNIFORM COMMERCIAL CODE ARTICLE 4A, FUNDS TRANSFERS (1989)(2012)**

Adoptions ..... 53; Adoptions of 2012 Amendment..... 39

Purpose..... To provide a comprehensive body of law on the rights and obligations connected with fund transfers. Amended in 2012 in response to an amendment to the Federal Electronic Funds Transfer Act (EFTA); the amendment clarifies the relationship of the scope of EFTA to the scope of UCC4A in the context of remittance transfers.

Related Acts ..... Other Articles of Commercial Code.

## **UNIFORM COMMERCIAL CODE ARTICLE 5, LETTERS OF CREDIT (1995)**

Adoptions ..... 52

Purpose..... Updates provisions of the UCC dealing with letters of credit, previously adopted in every state, to provide necessary rules for the many innovations in letters of credit.

Related Acts ..... Other Articles of Commercial Code.

Supersedes ..... Commercial Code Article 5 (1951).

**UNIFORM COMMERCIAL CODE ARTICLE 6, BULK TRANSFERS (1989)**

Adoptions ..... 51

Repeal..... 50

Revise ..... 1

Purpose..... Repeals this article of the UCC, originally adopted in every state except Louisiana, which many states have found to be obsolete. An optional amendment modernizes Article 6 for those states that wish to retain it.

Related Acts ..... Other Articles of Commercial Code; Fraudulent Transfer.

Supersedes ..... Commercial Code Article 6 (1951).

**UNIFORM COMMERCIAL CODE ARTICLE 7, WAREHOUSE RECEIPTS, BILLS OF LADING, AND OTHER DOCUMENTS OF TITLE (2003)**

Adoptions ..... 46

Purpose..... Updates Article 7 to provide a framework for the further development of electronic documents of title, and to update the article for modern times in light of state, federal and international developments.

Related Acts ..... Other Articles of Commercial Code.

Supersedes ..... Commercial Code Article 7 (1951)

**UNIFORM COMMERCIAL CODE ARTICLE 8, INVESTMENT SECURITIES (1994)**

Adoptions ..... 53

Purpose..... Updates UCC Article 8, originally adopted in every state, to provide a modern legal structure for the system of securities holding through intermediaries.

Related Acts ..... Other Articles of Commercial Code; Securities; TOD Security Registration.

Supersedes ..... Commercial Code Article 8 (1977).

**UNIFORM COMMERCIAL CODE ARTICLE 9, SECURED TRANSACTIONS (1999)(2010)**

Adoptions ..... 53; Adoptions of 2010 Amendments..... 45

Purpose:..... The 2010 amendments to UCC Article 9, which governs secured transactions in personal property, address filing issues as well as other matters that have arisen in practice following over a decade of experience with the revised Article 9 (last revised in 1999 and enacted in all states and the District of Columbia). Of most importance, the 2010 amendments provide greater guidance as to the name of an individual debtor to be provided on a financing statement. The amendments also improve the system for filing financing statements.

Related Acts: ..... Other articles of the Commercial Code; Certificate of Title.

Supersedes: ..... Commercial Code Article 9 (1972)

**UNIFORM COMMON INTEREST OWNERS BILL OF RIGHTS ACT (2008)**

Adoptions ..... 1

Purpose..... A new Uniform Common Interest Owners Bill Of Rights Act (UCIOBORA) is drawn from the provisions of the new Uniform Common Interest Ownership Act, and supplements existing state law with many of the most important updates and protections of the 2008 act.

Related Acts ..... Common Interest Ownership.

## **UNIFORM COMMON INTEREST OWNERSHIP ACT (2008)**

Adoptions ..... 3

Purpose.....The Uniform Common Interest Ownership Act of 2008 (UCIOA) contains provisions for the formation, management, and termination of any common interest community, including condominiums, planned communities, and real estate cooperatives. The 2008 UCIOA – an update of the 1982 and 1994 versions of UCIOA – addresses critical aspects of association governance, with particular focus on the relationship between the association and its individual members, foreclosures, election and recall of officers, and treatment of records. Importantly, UCIOA gives greater flexibility to association governing boards with regard to enforcement of the declaration, bylaws, and rules of the association. The 2008 amendments also modernize UCIOA with respect to electronic commerce and practice.

Related Acts .....Arbitration; Condominium; Planned Community; Real Estate Cooperative; Real Estate Time-Share.

## **UNIFORM COMPUTER INFORMATION TRANSACTIONS ACT (1999)(2000)(2002)**

Adoptions ..... 2

Purpose.....Adopts the accepted and familiar principles of contract law, setting the rules for creating electronic contracts and the use of electronic signatures for contract adoption—thereby making computer information transactions as well-grounded in the law as traditional transactions.

Related Acts ..... Commercial Code; Electronic Transactions.

## **UNIFORM CONDOMINIUM ACT (1977)(1980)**

Adoptions ..... 16

Purpose.....Comprehensive provisions for creation, management, and termination of condominium associations, including point-of-sale consumer protection.

Related Acts ..... Common Interest Ownership; Planned Community; Real Estate Cooperative; Real Estate Time-Share.

## **UNIFORM CONSERVATION EASEMENT ACT (1981)**

Adoptions ..... 25

Purpose.....Authorizes the creation of permanent easements on real property for conservation and historic preservation purposes, with favorable federal income tax benefits.

Related Acts ..... Environmental Covenants.

## **MODEL CONSTRUCTION LIEN ACT (1987)**

Adoptions ..... 1

Purpose.....Replaces the “mechanics” lien found in every jurisdiction. Permits contractors, subcontractors, and materials suppliers to attach a lien for the value of unpaid services and material upon real property improved by such. Includes a resulting trust for construction proceeds as an alternative to a lien.

## **MODEL CONSUMER CREDIT CODE (1968)(1974)**

Adoptions ..... 10

Purpose.....Under this act, the total consumer credit process, from advertising through collection, would be within the scope of regulation. Includes usury rules.

Related Acts ..... Commercial Code; Consumer Leases; Debt-Management Services.

### **MODEL CONSUMER LEASES ACT (2001)**

Adoptions ..... 1

Purpose.....This act is designed to regulate state consumer goods leasing. It covers leases of consumer goods for terms longer than four months and less than \$150,000. It assures fair practices in consumer leasing.

Related Acts .....Commercial Code Article 2A; Consumer Credit Code; Debt-Management Services.

### **MODEL CONTROLLED SUBSTANCES ACT (1990)(1994)**

Adoptions ..... 3

Purpose.....Provides fundamental law in the fight against narcotic and dangerous drugs, and achieves uniformity between state and federal drug laws. It updates the earlier version, adopted in 44 states.

Supersedes .....Controlled Substances (1970)(1973).

### **MODEL CORRECTION OR CLARIFICATION OF DEFAMATION ACT (1993)**

Adoptions ..... 3

Purpose.....Provides a method for limiting punitive damages in a defamation act by correcting or clarifying allegedly defamatory material.

### **UNIFORM CUSTODIAL TRUST ACT (1987)**

Adoptions ..... 19

Purpose.....Enables persons to establish a commonly desired form of living trust by simply causing assets to be registered in the name of one as "custodial trustee for (beneficiary's name) under the (enacting state)'s Uniform Custodial Trust Act." To the extent of assets so registered, the statutory trust offers protection against probate proceedings related to the beneficiary's incompetence or death.

Related Acts .....Guardianship and Protective Proceedings; Multiple-Person Accounts; Notarial Acts; Power of Attorney; Probate Code; Transfers to Minors.

### **UNIFORM DEBT-MANAGEMENT SERVICES ACT (2005)(2008)(2011)**

Adoptions ..... 8

Purpose.....This Act provides guidance and regulation to the debt counseling industry. The Act applies to both consumer debt counseling services and debt management services. The Act is a comprehensive statute that provides rules for, among other things, registration requirements, bond requirements, disclosure requirements, and penalties for non-compliance.

Related Acts .....Commercial Code; Consumer Credit Code; Consumer Leases.

### **UNIFORM DECLARATORY JUDGMENTS ACT (1922)**

Adoptions ..... 45

Purpose.....Settles and affords relief from uncertainty with respect to rights, status, and other legal relations.

### **UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT (2012)**

Adoptions ..... 4

Purpose.....This act addresses issues of child custody and visitation that arise when parents are deployed in military or other national service. There is a need to ensure that parents who serve their country are not penalized for their service, while still giving adequate weight to the interests of the other parent, and most importantly, the best interest of the child. The act contains provisions that apply generally to custody matters of service members, as well as provisions that arise on notice of and during deployment.

Related Acts .....Child Custody Jurisdiction and Enforcement; Interstate Family Support.

## **UNIFORM DETERMINATION OF DEATH ACT (1980)**

Adoptions ..... 43

Purpose..... Provides a comprehensive basis for determining death in all situations. This is a technical act which merely defines death clinically, and does not deal with suicide, assisted suicide, right to die, or similar topics.

Related Acts ..... Anatomical Gift; Health-Care Decisions; Probate Code; Simultaneous Death.

Supersedes ..... Brain Death Act (1978).

## **UNIFORM DISCLAIMER OF PROPERTY INTERESTS ACT (1999)(2002)(2006)**

Adoptions ..... 18

Purpose..... Provides definite, tax-sensitive rules governing refusals to accept transfers of property by gift or inheritance, and identifying who takes in the event of disclaimer.

Related Acts ..... Probate Code.

Supersedes ..... Disclaimer of Property Interests (1973)(1978); Disclaimer of Transfers by Will, Intestacy, or Appointment (1973)(1978); Disclaimer of Transfers Under Nontestamentary Instruments (1973)(1978).

## **MODEL RULES RELATING TO DISCOVERY OF ELECTRONICALLY STORED INFORMATION (2007)**

Adoptions: ..... 1

Purpose:..... The primary purpose of the new uniform rules is to provide states with up-to-date rules for the discovery of electronic documents in civil cases. With the emergence of electronic technology, the extent to which individuals and institutions store or maintain information in an electronic form has clearly increased since the adoption of rules governing discovery generally. By some estimates, more than 90% of corporate information is being stored in some sort of digital or electronic format. This new act mirrors the recently adopted amendments to the Federal Rules of Civil Procedure dealing with electronically stored information.

Related Acts: ..... Electronic Transactions; Rules of Evidence.

## **UNIFORM DISPOSITION OF COMMUNITY PROPERTY RIGHTS AT DEATH ACT (1971)**

Adoptions ..... 16

Purpose..... For adoption by non-community property states. Preserves the rights of each spouse in property that was community property before the spouses moved to the non-community property state, unless they have severed or altered their community property rights.

Related Acts ..... Estate Tax Apportionment; International Wills; Marital Property; Multiple-Person Accounts; Nonprobate Transfers on Death; Probate Code; TOD Security Registration; Testamentary Additions to Trusts.

## **UNIFORM DIVISION OF INCOME FOR TAX PURPOSES ACT (1957)(1966)**

Adoptions ..... 36

Purpose..... Provides a uniform method of division of income between states for tax purposes, thereby assuring that a taxpayer is not taxed more than once on his or her net income.

Related Acts ..... Principal and Income; Probate Code; Prudent Investor.

## **MODEL DORMANT MINERAL INTERESTS ACT (1986)**

Adoptions ..... 2

Purpose..... Establishes the criteria by which a severed mineral interest in real estate becomes dormant. A mineral interest becomes dormant if there is no actual "use" of the interest for 20 years or more.

Related Acts ..... Marketable Title; Surface Use and Mineral Development Accommodation.

## **UNIFORM ELECTRONIC LEGAL MATERIAL ACT (2011)**

Adoptions ..... 8

Purpose.....The Uniform Electronic Legal Material Act establishes an outcomes-based, technology-neutral framework for providing online legal material with the same level of trustworthiness traditionally provided by publication in a law book. The Act requires that official electronic legal material be: (1) authenticated, by providing a method to determine that it is unaltered; (2) preserved, either in electronic or print form; and (3) accessible, for use by the public on a permanent basis.

## **UNIFORM ELECTRONIC RECORDATION OF CUSTODIAL INTERROGATIONS ACT (2010)**

Adoptions: ..... 8

Purpose:.....The act addresses difficult problems that accompany interrogations conducted by law enforcement officials. By requiring law enforcement to electronically record custodial interrogations, the Act promotes truth-finding, judicial efficiency, and further protects the rights of law enforcement and those under investigation. The Act does not require law enforcement to make recordings that are unfeasible or that would endanger confidential informants, nor does it punish law enforcement for equipment failures.

## **UNIFORM ELECTRONIC TRANSACTIONS ACT (1999)**

Adoptions ..... 49

Purpose.....Establishes the legal equivalence of electronic records and signatures with paper writings and manually-signed signatures, removing barriers to electronic commerce.

Related Acts ..... Commercial Code; Computer Information Transactions; Real Property Electronic Recording.

## **UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT (2006)(2007)**

Adoptions ..... 15

Purpose.....This act will allow state governments to give reciprocity to other states' licensees on emergency services providers so that covered individuals may provide services without meeting the disaster state's licensing requirements. This act was drafted in response to the devastation in the Gulf States from Hurricanes Katrina and Rita, specifically the problem of allowing out-of-state medical professionals to practice in the afflicted areas. The act was amended in 2007 to address the issues of workers' compensation coverage and limitations on civil liability for interstate volunteers deployed during emergencies.

## **UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT (1948)(1964)**

Adoptions ..... 50

Purpose.....Provides a simplified way of enforcing judgments entered in another state, implementing full faith and credit.

Related Acts ..... Foreign Money Claims; Foreign Country Money Judgments Recognition.

## **MODEL ENTITY TRANSACTIONS ACT (2004)(2005)(2007)**

Adoptions ..... 5

Purpose.....Provides states with a single set of procedures for mergers, conversions, domestications, and interest exchanges among different forms of business entities.

Related Acts ..... Business Organizations; Limited Liability Company; Limited Partnership; Partnership; Registered Agents; ABA Model Business Corporation Act; ABA Model Not-for-Profit Corporation Act.



## **UNIFORM ENVIRONMENTAL COVENANTS ACT (2003)**

Adoptions ..... 25

Purpose..... This act deals with the future use of contaminated real estate, or brownfields. The act provides clear rules for a valid real estate document—an environmental covenant held by a third party—to regulate the use of brownfields when real estate is transferred from one owner to another.

Related Acts ..... Conservation Easement.

## **UNIFORM ESTATE TAX APPORTIONMENT ACT (2003)**

Adoptions ..... 6

Purpose..... Provides procedures in apportioning the burden of estate taxes among beneficiaries.

Related Acts ..... Disposition of Community Property Rights at Death; Probate Code.

Supersedes ..... Estate Tax Apportionment (1958)(1982)

## **EVIDENCE, MODEL RULES OF (1999)**

Adoptions ..... 1

Purpose..... The primary object of this act is to simplify and codify the rules pertaining to what may be introduced in evidence in any civil or criminal trial in a court of law. It reflects closely the federal rules of evidence.

Related Acts ..... Child Witness Testimony by Alternative Methods; Rules of Criminal Procedure; Mediation.

Supersedes ..... Rules of Evidence (1974)(1986).

## **MODEL EXEMPTIONS ACT (1976)(1979)**

Adoptions ..... 1

Purpose..... This comprehensive bankruptcy exemptions act provides a group of general categories for property and assets which are exempt from creditors in bankruptcy proceedings. It achieves a fair balance between a debtor's needs and a creditor's rights.

Related Acts ..... Fraudulent Transfer.

## **MODEL EXTRADITION AND RENDITION ACT (1980)**

Adoptions ..... 1

Purpose..... Provides two separate procedures to be used for the retrieval of wanted persons found in another state. Extradition is the traditional executive procedure. Rendition is a court-based procedure.

Related Acts ..... Rules of Criminal Procedure; Post-Conviction Procedure; Victims of Crime.

## **UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT (2010)**

Adoptions: ..... 2

Purpose:..... The act provides a statutory remedy in the event a state presidential elector fails to vote in accordance with the voters of his or her state. The act has a state-administered pledge of faithfulness, with any attempt by an elector to submit a vote in violation of that pledge, effectively constituting resignation from the office of elector. The act provides a mechanism for filling a vacancy created for that reason or any other.

## **UNIFORM FEDERAL LIEN REGISTRATION ACT (1978)(1982)**

Adoptions ..... 36

Purpose..... Provides for the registration of federal liens by procedures consistent with normal recording of mortgages in local real property records and with the normal filing of security interests in personal property.

Supersedes ..... Federal Tax Lien Registration (1926).

## **UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT (2005)**

Adoptions ..... 19

Purpose.....Revises the Uniform Foreign Money Judgments Recognition Act of 1962, which simplified international business by recognizing money judgments obtained in other nations for the purpose of enforcement. This revision updates the 1962 Act, clarifying its provisions, and correcting problems created by the interpretation of provisions of that Act by the courts over the years since its promulgation.

Related Acts ..... Enforcement of Foreign Judgments; Foreign Money Claims.

Supersedes ..... Foreign Money Judgments Recognition (1962).

## **UNIFORM FOREIGN MONEY CLAIMS ACT (1989)**

Adoptions ..... 24

Purpose.....Simplifies international business by allowing courts in the United States to accept or render judgments valued in a foreign currency.

Related Acts ..... Enforcement of Foreign Judgments; Foreign-Country Money Judgments Recognition.

## **UNIFORM FRAUDULENT TRANSFER ACT (1984)\***

Adoptions ..... 45

Purpose.....Provides a creditor with the means to reach assets a debtor has transferred to another person to keep them from being used to satisfy a debt.

Related Acts ..... Commercial Code Article 6; Exemptions.

Supersedes ..... Fraudulent Conveyance (1918).

## **UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT (1997)**

Adoptions ..... 4

Purpose.....Updates procedures for the appointment of guardians and conservators for minors and incapacitated persons. Provides due process protection for incapacitated persons. All guardians and conservators are subject to the jurisdiction and the supervision of the court.

Related Acts ..... Custodial Trust; Power of Attorney; Probate Code; Representation of Children in Abuse, Neglect, and Custody Proceedings; Transfers to Minors.

Supersedes ..... Guardianship and Protective Proceedings Act (1982)(1987).

## **UNIFORM HEALTH-CARE DECISIONS ACT (1993)**

Adoptions ..... 9

Purpose.....Consolidates various state laws dealing with all decisions about adult health care and health-care powers of attorney, including the right to request or refuse health care, into one comprehensive law, and to simplify, clarify, and modernize these laws.

Related Acts ..... Anatomical Gift; Determination of Death.

## **UNIFORM INTERNATIONAL WILLS ACT (1977)**

Adoptions ..... 18

Purpose.....Implements an international convention calling for all countries and states to adopt a uniform formality for executing wills that, if observed, should assure the validity of the will no matter where the testator resides or owns property at the time of death.

Related Acts ..... Disposition of Community Property Rights at Death; Probate Code.

## **UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT (2007)**

Adoptions: ..... 32

Purpose:..... This act provides simple procedures for courts in one state to issue subpoenas for out-of-state depositions. The act is simple and efficient: it establishes a simple clerical procedure under which a state subpoena in the “trial state” can be used to issue a subpoena in another state. The act has minimal judicial oversight; the goal is to simplify and standardize the current patchwork of procedures across the various states for deposing witnesses for purposes of out-of-state litigation.

Related Acts: ..... Rules of Evidence.

## **UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC-VIOLENCE PROTECTION ORDERS ACT (2000)(2002)**

Adoptions ..... 20

Purpose..... Establishes uniform procedures that will enable courts to recognize and enforce valid domestic protection orders issued in other jurisdictions.

Related Acts ..... Adoption; Child Abduction Prevention; Child Custody Jurisdiction and Enforcement; Interstate Family Support; Marriage and Divorce.

## **UNIFORM INTERSTATE FAMILY SUPPORT ACT (1996)(2001)(2008)**

Adoptions ..... 53; Adoptions of 2008 Amendments..... 11

Purpose..... Limits child and family support orders to a single state, eliminating interstate jurisdictional disputes. The act was amended in 2008 to modify the current version of UIFSA's international provisions to comport with the obligations of the United States under the 2000 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, which was signed by the President in 2008. The amendments give greater enforcement of U.S. orders abroad; also, foreign orders will be recognized and enforced like orders of other American states.

Related Acts ..... Adoption; Child Custody Jurisdiction and Enforcement; Deployed Parents Custody and Visitation; Interstate Enforcement of Domestic-Violence Protection Orders; Marriage and Divorce; Parentage.

Supersedes ..... Reciprocal Enforcement of Support (1950)(1958)(1968).

## **UNIFORM LAW ENFORCEMENT ACCESS TO ENTITY INFORMATION ACT (2009)**

Adoptions: ..... 0

Purpose:..... The Uniform Law Enforcement Access to Entity Information Act is designed to be a substitute for the Incorporation Transparency and Law Enforcement Assistance Act (S.569), currently pending in Congress. S.569 would require virtually all corporations and limited liability companies to file “beneficial ownership” information with the Secretary of State. The Uniform Act, a joint project with the ULC and the American Bar Association Committee on Corporate Laws, would preserve the traditional confidentiality of entity ownership and would instead require the filing of the name of an individual (a records-contact) who would be responsible for obtaining, maintaining, and verifying record ownership information.

Related Acts: ..... Registered Agents

## **UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT (2007)**

Adoptions: ..... 7

Purpose:..... This act addresses the cooperative form of business, a unique business entity which is different from other forms of business organizations. The act creates a new form of business entity and is an alternative to other cooperative and unincorporated structures. The ULCAA provides greater flexibility for outside (non-patron) capital investment while preserving the strengths and principles of the traditional cooperative model.

Related Acts: ..... Business Organizations; Entity Transactions; Limited Liability Company; Limited Partnership; Partnership; Registered Agents; Unincorporated Nonprofit Associations.

## **UNIFORM LIMITED LIABILITY COMPANY ACT (2006)**

Adoptions ..... 9

Purpose.....Revises the Uniform Limited Liability Company Act of 1996. This act, like its predecessor, permits the formation of limited liability companies (LLCs), which provide the owners with the advantages of both corporate-type limited liability and partnership tax treatment. The new revision preserves the best elements of the original Act; addresses questions that have arisen in practice and in litigation; and offers a modern, updated “second generation” Uniform Limited Liability Company Act.

Related Acts ..... Business Organizations; Entity Transactions; Limited Partnership; Partnership; Registered Agents; Unincorporated Nonprofit Association.

Supersedes:..... Limited Liability Company (1996).

## **UNIFORM LIMITED PARTNERSHIP ACT (2001)**

Adoptions ..... 19

Purpose..... Provides a more flexible and stable basis for the organization of limited partnerships, helping states stimulate new partnership business ventures. The 2001 revision recognizes modern-day uses of limited partnerships by providing greater flexibility and protection.

Related Acts ..... Business Organizations; Entity Transactions; Limited Liability Company; Partnership; Registered Agents; Unincorporated Nonprofit Association.

Supersedes ..... Limited Partnership (1916); Limited Partnership (1976)(1983)(1985).

## **MODEL MANAGEMENT OF PUBLIC EMPLOYEE RETIREMENT SYSTEMS ACT (1997)**

Adoptions ..... 2

Purpose..... To modernize, clarify, and make uniform the rules governing the investment and management of public retirement systems’ assets. Public retirement systems become trusts operated under rules of prudent investment.

Related Acts ..... Prudent Investor; Prudent Management of Institutional Funds.

## **MODEL MANDATORY DISPOSITION OF DETAINERS ACT (1958)**

Adoptions ..... 8

Purpose..... Provides for a prompt disposition of detainees by providing that prosecuting officials, upon the request of a prisoner, must move forward with trial on the charge or such charge will be dismissed.

## **UNIFORM MANUFACTURED HOUSING ACT (2012)**

Adoptions ..... 0

Purpose..... This act will allow owners of manufactured houses the option to classify manufactured homes as either real property or personal property. Though some states provide a statutory method by which a manufactured home can be reclassified as real property, the methods are cumbersome and often confusing. The act provides an efficient and effective method for having a manufactured home classified as real property at the time of the first retail sale.

## **MODEL MARITAL PROPERTY ACT (1983)**

Adoptions ..... 1

Purpose..... To encourage sharing by spouses of property acquired during marriage, by creating a class of property in which husband and wife have an equal interest.

Related Acts ..... Disposition of Community Property Rights at Death; Marriage and Divorce; Premarital and Marital Agreements; Probate Code.

### **MODEL MARKETABLE TITLE ACT (1990)**

Adoptions ..... 1

Purpose..... Provides for extinguishing title interests in real property which are not asserted within 30 years.

Related Acts ..... Dormant Mineral Interests.

### **MODEL MARRIAGE AND DIVORCE ACT (1970)(1973)**

Adoptions ..... 8

Purpose..... This act is a comprehensive marriage and divorce act. It minimizes the number of prohibited marriages, and includes the concept of no-fault divorce. The key ground for dissolution is irretrievable breakdown.

Related Acts ..... Child Abduction Prevention; Child Custody Jurisdiction and Enforcement; Interstate Enforcement of Domestic-Violence Protection Orders; Interstate Family Support; Marital Property; Premarital and Marital Agreements; Representation of Children in Abuse, Neglect, and Custody Proceedings.

### **UNIFORM MEDIATION ACT (2001)(2003)**

Adoptions ..... 12

Purpose..... Provides rules on the issues of confidentiality and privileges in mediation. The act establishes a privilege of confidentiality for mediators and participants that prohibits what is said during mediation from being used in later legal proceedings. The act was amended in 2003 to add a section on International Conciliation.

Related Acts ..... Arbitration; Collaborative Law; Rules of Evidence.

### **UNIFORM MILITARY AND OVERSEAS VOTERS ACT (2010)**

Adoptions: ..... 14

Purpose:..... The act simplifies the process of absentee voting for United States military and overseas civilians by making the process more uniform, efficient, and accessible. The Act covers all military personnel and their dependents, as well as U.S. citizens residing outside the United States who are unable to vote in-person. The Act applies to all statewide and local elections, as well as to all federal elections, both primary and general.

### **UNIFORM MONEY SERVICES ACT (2000)(2004)**

Adoptions ..... 8

Purpose..... Provides a framework for dealing with money laundering issues unique to nondepository providers of financial services, and facilitates and enhances enforcement of existing money laundering provisions.

### **UNIFORM MULTIPLE-PERSON ACCOUNTS ACT (1989)(1998)**

Adoptions ..... 12

Purpose..... Encourages banks and credit unions to offer POD (pay on death) and agency (convenience) account forms for use by persons desiring some, but not all, incidents of joint accounts, and encourages development of standard forms that will mean the same in all states.

Related Acts ..... Custodial Trust; Disposition of Community Property Rights at Death; Nonprobate Transfers on Death; Probate Code; Simultaneous Death; TOD Security Registration.

### **MODEL NONJUDICIAL FORECLOSURE ACT (2002)**

Adoptions ..... 0

Purpose..... Provides procedures for mortgage foreclosures without judicial involvement.

Related Acts ..... Residential Mortgage Satisfaction.

## **UNIFORM NOTARIAL ACTS (2010)**

Adoptions: ..... 3

Purpose:..... This act comprehensively revises and replaces the 1982 Uniform Law on Notarial Acts. In particular, the revised act recognizes the ascendance of electronic commerce and transactions in the public and private sectors, and brings the law governing electronic notarial acts on par with laws governing other forms of electronic transactions.

Related Acts: ..... Custodial Trust; Power of Attorney.

Supersedes:..... Law on Notarial Acts (1982)

## **UNIFORM PARENTAGE ACT (2000) (2002)**

Adoptions ..... 9

Purpose:..... Revises the Uniform Parentage Act of 1973, modernizing the law for determining the parents of children.

Related Acts ..... Adoption; Interstate Family Support; Probate Code.

Supersedes ..... Parentage (1973); Status of Children of Assisted Conception (1988); Putative and Unknown Fathers (1988).

## **UNIFORM PARTITION OF HEIRS PROPERTY ACT (2010)**

Adoptions: ..... 3

Purpose:..... The act establishes a hierarchy of remedies for use in those partition actions involving heirs property. The remedies are designed to help those who own heirs property to maintain ownership of their property when possible or to insure that any court-ordered sale of the property is conducted under commercially reasonable circumstances that will protect the owners from losing substantial wealth upon the sale of their property.

## **UNIFORM PARTNERSHIP ACT (1994)(1997)**

Adoptions ..... 40

Purpose:..... Modernizes the Uniform Partnership Act of 1914, adopted in every state except Louisiana. Establishes a partnership as a separate legal entity, and not merely as an aggregate of partners.

Related Acts ..... Business Organizations; Entity Transactions; Limited Liability Company; Limited Partnership; Registered Agents; Unincorporated Nonprofit Association.

Supersedes ..... Partnership (1914).

## **MODEL PLANNED COMMUNITY ACT (1980)**

Adoptions ..... 1

Purpose:..... Comprehensive provisions for creating, managing, and terminating planned community developments. Includes point-of-sale consumer protection.

Related Acts ..... Common Interest Ownership; Condominium; Real Estate Cooperative; Real Estate Time-Share.

## **MODEL POST-CONVICTION PROCEDURE ACT (1980)**

Adoptions ..... 1

Purpose:..... Provides for a single post-conviction review as part of the criminal process.

Related Acts ..... Rules of Criminal Procedure; Extradition and Rendition; Victims of Crime.

## **UNIFORM POWER OF ATTORNEY ACT (2006)**

Adoptions ..... 14

Purpose.....This act provides a simple way for people to deal with their property by providing a power of attorney that survives the incompetence of the principal. While the act is primarily a set of default rules that can be altered by specific provisions within a power of attorney, the act also contains safeguards for the protection of an incapacitated principal.

Related Acts .....Custodial Trust; Guardianship and Protective Proceedings; Notarial Acts; Probate Code.

Supersedes .....Statutory Form Power of Attorney.

## **UNIFORM POWERS OF APPOINTMENT ACT (2013)**

Adoptions ..... 0

Purpose:.....A power of appointment is an estate planning tool that permits the owner of property to name a third party and give that person the power to direct the distribution of that property among some class of permissible beneficiaries. It is an effective and flexible technique used in a wide variety of situations, but there is very little statutory law governing the creation and use of powers of appointment. Instead, estate planning attorneys must rely on a patchwork of state court decisions. The objective of the Uniform Powers of Appointment Act is to codify the existing common law of powers of appointment.

Related Acts: .....Probate Code; Trust Code.

## **UNIFORM PREMARITAL AND MARITAL AGREEMENTS ACT (2012)**

Adoptions ..... 2

Purpose.....This act addresses the varying standards on both premarital and marital agreements that have led to conflicting laws, judgments, and uncertainty about enforcement as couples move from state to state. The act harmonizes the standards in existing uniform acts governing premarital and marital agreements, and treats marital agreements and premarital agreements under the same set of principles and requirements.

Supersedes .....Premarital Agreement Act

Related Acts .....Marital Property; Marriage and Divorce; Probate Code.

## **UNIFORM ACT ON PREVENTION OF AND REMEDIES FOR HUMAN TRAFFICKING (2013)**

Adoptions: ..... 0

Purpose:.....The Uniform Act provides the three components necessary for ending human trafficking: comprehensive criminal provisions; provisions for victim services; and the establishment of a coordinating body to help government and non-government organizations coordinate their human trafficking activities. A comprehensive uniform act will enable federal, state, and local agencies to better identify victims, provide needed services, and facilitate prosecution.

## **UNIFORM PRINCIPAL AND INCOME ACT (1997)(2000)(2008)**

Adoptions ..... 46

Purpose.....Revises the Uniform Principal and Income Acts of 1931 and 1962, adopted in 41 states. This act's purpose is to provide procedures for trustees administering trusts and personal representatives administering estates in allocating assets to principal and income, and to govern their proper distribution to beneficiaries, heirs and devisees. The act was amended in 2008 to update the act to reflect current policy of the Internal Revenue Service (IRS) and clarify technical language regarding withholdings.

Related Acts .....Division of Income for Tax Purposes; Probate Code; Prudent Investor; Prudent Management of Institutional Funds; Testamentary Additions to Trusts; Trust Code.

Supersedes .....Principal and Income (1931); Principal and Income (1962).

**UNIFORM PROBATE CODE (1969)(1975)(1982)(1987)(1989)(1990)(1991)(1997)(1998) (2002) (2003)(2006)(2008)(2010)**

Adoptions ..... 18<sup>1</sup>

Purpose.....To update and simplify most aspects of state probate law. Article II modernizes the law of wills, intestacy, future interests and establishes similar rules governing the meaning of wills and death benefits under revocable contractual arrangements. Includes spousal protection against disinheritance. Articles III and IV enable, but do not require, informal probate and unsupervised administration of estates, simplifying and reducing procedure and reducing cost. Article V provides a wide range of protective proceedings for problems traditionally remedied by guardianships. Article VI deals with nonprobate transfers on death, includes the TOD Security Registration Act and updates the law on multiple-party accounts. Article VII deals with trust administration, and provides jurisdiction over trust and basic standards for trustees.

Related Acts ..... Free-standing acts from the Probate Code: Testamentary Additions to Trusts; Simultaneous Death; Disclaimer of Property Interests; Statutory Rule Against Perpetuities; International Wills; Estate Tax Apportionment; Guardianship and Protective Proceedings; Multiple-Person Accounts; TOD Security Registration; Adult Guardianship and Protective Proceedings Jurisdiction; Power of Attorney; Real Property Transfer on Death.

Closely related, but not included in the Probate Code, are: Custodial Trust; Determination of Death; Disposition of Community Property Rights at Death; Division of Income for Tax Purposes; Marital Property; Parentage; Powers of Appointment; Premarital and Marital Agreements; Principal and Income; Prudent Investor; Transfers to Minors; Trust Code.

**MODEL PROTECTION OF CHARITABLE ASSETS ACT (2011)**

Adoptions ..... 0

Purpose.....The Model Protection of Charitable Assets Act confirms the role of the state Attorney General in protecting charitable assets. The Act provides the Attorney General (the term is used in the act to mean the charity regulator in the state) with an inventory of basic information without overburdening the charities or the Attorney General with excessive reporting requirements. The Act specifies which transactions and legal proceedings require notice and provides for registration and annual reports for some charities.

**UNIFORM PROTECTION OF GENETIC INFORMATION IN EMPLOYMENT ACT (2010)**

Adoptions: ..... 0

Purpose:.....The act comprehensively regulates acquisition, use, retention, and disclosure of genetic information in the context of employment. The act allows individuals to control the privacy of their genetic information, preventing the misuse of that information.

**UNIFORM PRUDENT INVESTOR ACT (1994)**

Adoptions ..... 45

Purpose.....Revamps rules that now govern the actions of trustees. Requires trustees to pursue an investment strategy taking into account such factors as risk and return.

Related Acts ..... Division of Income for Tax Purposes; Management of Public Employee Retirement Systems; Principal and Income; Probate Code; Prudent Management of Institutional Funds; Testamentary Additions to Trusts; Trust Code.

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<sup>1</sup> Although 18 states have adopted the UPC substantially in its entirety, a number of other states have adopted separate articles and sections of the UPC.



## **UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT (2006)**

Adoptions ..... 51

Purpose..... This act, like its predecessor, the Uniform Management of Institutional Funds Act, provides statutory guidelines for management, investment, and expenditures of endowment funds held by charitable institutions. The new act expressly provides for diversification of assets, pooling of assets, and total return investment, to implement whole portfolio management, bringing the law governing charitable institutions in line with modern investment and expenditure practice.

Related Acts ..... Management of Public Employee Retirement Systems; Principal and Income; Prudent Investor; Trust Code; Unincorporated Nonprofit Association.

Supersedes ..... Management of Institutional Funds (1972).

## **MODEL PUNITIVE DAMAGES ACT (1996)**

Adoptions ..... 0

Purpose..... To provide states with improved procedures for awarding punitive damages, including standards of proof, procedures to control unreasonable awards, and careful court review of punitive damage awards. This act does not provide for an explicit cap on punitive damages.

Related Acts ..... Apportionment of Tort Responsibility.

## **MODEL REAL ESTATE COOPERATIVE ACT (1981)**

Adoptions ..... 1

Purpose..... Provides a unified and comprehensive modern law applicable to the cooperative form of ownership of real estate.

Related Acts ..... Common Interest Ownership; Condominium; Planned Community; Real Estate Time-Share.

## **MODEL REAL ESTATE TIME-SHARE ACT (1980)(1982)**

Adoptions ..... 5

Purpose..... This act contains provisions for the creation and termination of time-share units. It also deals with the management of time-share units, and provides consumer protection for purchasers of time shares.

Related Acts ..... Common Interest Ownership; Condominium; Planned Community; Real Estate Cooperative.

## **UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT (2004)**

Adoptions ..... 28

Purpose..... Provides county clerks and recorders the legal authority to prepare for electronic recording of real property instruments. The act creates legislation authorizing land records officials to begin accepting records in electronic form, storing electronic records, and setting up systems for searching for and retrieving these land records.

Related Acts ..... Electronic Transactions.

## **UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT (2009)**

Adoptions: ..... 9

Purpose:..... The Uniform Real Property Transfer on Death Act provides a mechanism for the non-probate transfer of land. The Act allows an owner of real property to pass the property simply and directly to a beneficiary on the owner's death without probate. The property passes by means of a recorded transfer on death (TOD) deed. During the owner's lifetime, the beneficiary of a TOD deed has no interest in the property and the owner retains full power to transfer or encumber the property or to revoke the deed.

Related Acts: ..... Probate Code; TOD Security Registration Act.

## **MODEL REGISTERED AGENTS ACT (2006)**

Adoptions ..... 12

Purpose..... This act provides states with one registration procedure for registered agents no matter the kind of business entity represented by the agent. Since almost every state requires an entity created in another jurisdiction to designate a registered agent for service of process and other legal proceedings, this act should simplify registration procedures by providing one registered agent database in each state.

Related Acts ..... Business Organizations; Entity Transactions, Law Enforcement Access to Entity Information; Limited Liability Company; Limited Partnership; Partnership; ABA Model Business Corporation Act; ABA Model Not-for-Profit Corporation Act.

## **MODEL REPRESENTATION OF CHILDREN IN ABUSE, NEGLECT, AND CUSTODY PROCEEDINGS ACT (2006)(2007)**

Adoptions ..... 0

Purpose..... This act seeks to improve the representation of children in proceedings directly affecting their custody by clearly defining the roles and responsibilities of children's representatives (child-directed counsel, 'best interests' counsel, and non-attorney advocates) and by providing guidelines to courts in appointing representatives. With respect to abuse and neglect cases, while federal law requires the appointment of a 'guardian ad litem' to represent the interests of a child, the URCANCPA goes further by mandating the appointment of a licensed attorney.

Related Acts ..... Child Custody Jurisdiction and Enforcement; Guardianship and Protective Proceedings; Marriage and Divorce.

## **UNIFORM RESIDENTIAL LANDLORD AND TENANT ACT (1972)\***

Adoptions ..... 21

Purpose..... Removes the landlord and tenant relationship from the constraints of property law and establishes it on the basis of contract law with all the concomitant rights and remedies.

Related Acts ..... Assignment of Rents.

## **MODEL RESIDENTIAL MORTGAGE SATISFACTION ACT (2004)**

Adoptions ..... 3

Purpose..... Provides rules and procedures for clearing fully paid residential real estate mortgages from the real property records in every state.

Related Acts ..... Nonjudicial Foreclosure.

## **UNIFORM SECURITIES ACT (2002)**

Adoptions ..... 18

Purpose..... Gives state securities regulators broad powers to investigate, prosecute, and sanction individuals and firms that engage in fraudulent securities transactions. This Act is consistent with current federal law.

Related Acts ..... Commercial Code Article 8; TOD Security Registration.

Supersedes ..... Securities Act (1985)(1988); Securities Act (1958); Sale of Securities (1930).

## **UNIFORM SIMULTANEOUS DEATH ACT (1993)**

Adoptions ..... 22

Purpose..... Creates default rule that one must survive another by 120 hours to avoid disputes caused by simultaneous or quickly successive deaths of persons between whom property or death benefits pass on the death of one survived by the other.

Related Acts ..... Determination of Death; Multiple-Person Accounts; Probate Code.

## **MODEL STATE ADMINISTRATIVE PROCEDURE ACT (2010)**

Adoptions: ..... 0

Purpose:..... This act is an update of both the 1961 and 1980 Model State Administrative Procedure Acts. Consistent with both the 1961 MSAPA and the 1981 MSAPA, this act provides for a uniform minimum set of procedures to be followed by agencies subject to the act. The act creates only procedural rights and imposes only procedural duties. Throughout the act there are provisions that refer generally to other state laws governing related topics. When specific state laws are inconsistent with the provisions of the act, those specific state laws will be controlling.

## **MODEL STATUTE AND RULE CONSTRUCTION ACT (1995)**

Adoptions ..... 1

Purpose..... Provides guidelines for drafting and interpreting a state's statutes and administrative rules.

Related Acts ..... Certification of Questions of Law.

Supersedes ..... Model Statutory Construction (1965).

## **UNIFORM STATUTORY RULE AGAINST PERPETUITIES (1986)(1990)**

Adoptions ..... 28

Purpose..... Modernizes one part of the law of estates, trusts and future interests. Preserves some future interests that would be declared void by outmoded technicalities in the common-law rule against perpetuities.

Related Acts ..... Probate Code; Trust Code.

## **UNIFORM STATUTORY TRUST ENTITY ACT (2009)**

Adoptions ..... 2

Purpose..... This Act governs the use of statutory trusts as a mode of business organization. A statutory trust provides a flexible business entity that can be used as an alternative to the partnership, limited partnership, limited liability company, and corporate forms of organization. Statutory trusts are commonly used in the mutual fund and securitization industries, and it is also used in certain tax-advantaged real estate transactions. The Uniform Act modernizes the existing, but outdated, laws governing these types of entities.

Related Acts ..... Business Organizations

## **MODEL SURFACE USE AND MINERAL DEVELOPMENT ACCOMMODATION ACT (1990)**

Adoptions ..... 0

Purpose..... Governs compensation to surface owners of real property for changes resulting from mineral development by holders of mineral interests.

Related Acts ..... Dormant Mineral Interests.

## **UNIFORM TOD SECURITY REGISTRATION ACT (1989)(1998)**

Adoptions ..... 49

Purpose..... Provides non-probate transfer of specifically registered investment securities from owner to named beneficiaries at owner's death.

Related Acts ..... Commercial Code Article 8; Disposition of Community Property Rights at Death; Multiple-Person Accounts; Nonprobate Transfers on Death; Probate Code; Real Property Transfer on Death; Securities.

## **UNIFORM TESTAMENTARY ADDITIONS TO TRUSTS ACT (1991)**

Adoptions ..... 24

Purpose.....Modernizes trust and estate law by permitting “pour-over” provisions in wills. These commonly-used provisions merely add money or other property passing at death through probate to inter vivos trusts, but may be invalidated by outmoded and overly technical rules. The 1991 amendments expressly permit pour-overs into otherwise unfunded trusts and eliminate the requirement that the trust writing exist when the will is executed.

Related Acts .....Disposition of Community Property Rights at Death; Principal and Income; Probate Code; Prudent Investor; Trust Code.

## **UNIFORM TRADE SECRETS ACT (1979)(1985)**

Adoptions ..... 50

Purpose.....Provides a legal framework for improved trade secret protection for industry.

## **MODEL TRANSBOUNDARY POLLUTION RECIPROCAL ACCESS ACT (1982)**

Adoptions ..... 7

Purpose.....To overcome procedural obstacles that prevent a pollution victim in one state or province from seeking enforceable remedies in the state or province where the pollution originated.

## **MODEL TRANSFER OF LITIGATION ACT (1991)**

Adoptions ..... 0

Purpose.....Permits courts of one state to transfer litigation to courts of another state, and vice versa. Includes transfers to federal court.

Related Acts .....Certification of Questions of Law.

## **UNIFORM TRANSFERS TO MINORS ACT (1983)(1986)**

Adoptions ..... 50

Purpose.....Updates and expands the usefulness of the Uniform Gifts to Minors Act (1966).

Related Acts .....Custodial Trust; Guardianship and Protective Proceedings; Probate Code.

Supersedes .....Gifts to Minors (1966).

## **UNIFORM TRUST CODE (2000)(2001)(2003)(2004)(2005)**

Adoptions ..... 26

Purpose.....To provide a comprehensive model for codifying the law on trusts.

Related Acts .....Powers of Appointment; Principal and Income; Probate Code; Prudent Investor; Prudent Management of Institutional Funds; Statutory Rule Against Perpetuities; Testamentary Additions to Trusts.

## **UNIFORM TRUST CODE, INSURABLE INTEREST AMENDMENTS TO THE (2010)**

Adoptions: ..... 6

Purpose:.....The amendments attempt to clarify, with respect to trusts, what constitutes an “insurable interest” for purposes of insurance law, while at the same time allowing for the transfer of interest in insurance as property. Personal life insurance trusts are a key component of most modern estate plans, and trust and estate planners create them routinely.

Related Acts: .....Trust Code.

## **UNIFORM UNCLAIMED PROPERTY ACT (1995)**

Adoptions ..... 16

Purpose..... Provides a system for transferring intangible personal property and personal property in safety deposit accounts, held by an entity other than the rightful owner, to the state when it is deemed abandoned by the rightful owner. The state holds the property for the rightful owner in perpetuity. This act updates the 1981 version, which was adopted in 29 states.

Supersedes .....Disposition of Unclaimed Property (1954); Unclaimed Property (1981).

## **UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT (2008)**

Adoptions ..... 5

Purpose..... This act, a revision of the Uniform Unincorporated Nonprofit Association Act of 1996, governs all unincorporated nonprofit associations (UNAs) that are formed or operate in a state that adopts the act. There are hundreds of thousands of UNAs in the United States, including educational, scientific and literary clubs, sporting organizations, political organizations, neighborhood associations and the like. The Revised Act (RUUNAA) provides a basic legal framework for the operation of UNAs. The revised act extends the nature of UNAs as distinct entities by allowing qualified associations to exist in perpetuity where necessary or convenient to carry out its purposes. The Revised Act improves upon its predecessor by providing additional guidance, incorporating a number of modern practices, and by eliminating potential conflicts with other bodies of law.

Related Acts ..... Business Organizations; Limited Liability Company; Limited Partnership; Partnership; Prudent Management of Institutional Funds.

## **UNIFORM UNSWORN FOREIGN DECLARATIONS ACT (2008)**

Adoptions ..... 20

Purpose..... This Act will permit, in state court proceedings, unsworn declarations under penalty of perjury to be executed by witnesses physically located outside the boundaries of the United States in lieu of affidavits, verifications, or other sworn court filings. Under the Act, unsworn declarations cannot be used for depositions, oaths of office, oaths related to self-proved wills, declarations recorded under certain real estate statutes, and oaths required to be given before specified officials other than a notary.

## **MODEL VICTIMS OF CRIME ACT (1992)**

Adoptions ..... 1

Purpose..... Provides rights for victims of crime to certain protections in the criminal justice system, and a system of compensation for victims personally injured by criminal action.

Related Acts ..... Rules of Criminal Procedure; Extradition and Rendition; Post-Conviction Procedure.

Supersedes ..... Crime Victims Reparations (1973).

## **MODEL WAGE WITHHOLDING AND UNEMPLOYMENT INSURANCE PROCEDURE ACT (2004)**

Adoptions ..... 0

Purpose..... Provides for a uniform wage base for computing both income tax withholding and unemployment compensation tax withholding, and uniform reporting and payment requirements for employers.

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