

QUARTERLY REPORT

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The ULC's spring 2017 drafting committee season is just about halfway through, and while many committees have met for the final time this season and won't meet again until the fall, others have met for the final time. The remainder of the committee meetings will be held over the next few months.

In January, of course, both the Scope and Program Committee and the Executive Committee met during the ULC's midyear meeting. Four new drafting committees and three new study committees have been authorized (see accompanying article on new committees). The minutes from the meetings have been posted; Scope minutes are available [here](#), and the minutes for Executive will be available [here](#).

In late January, the Legislative Council held its second in-person meeting in Chicago. The Council met to discuss the 2017 legislative sessions, and also to begin to make preparations for the

legislative program in San Diego at the annual meeting. The Style Committee also met in late January, spending the majority of its time working on drafts that are scheduled for final approval at the annual meeting this summer.

There were no ULC meetings in February (though a number of us attended the ABA Midyear Meeting in Miami in mid-February), but March was and will continue to be very busy.

[The Drafting Committee on Unauthorized Disclosure of Intimate Images](#) held its first meeting March 3-4 in Chicago. This committee will be working to create civil remedies relating to the unauthorized disclosure of intimate images – the disclosure of private, sexually explicit images without consent and for no legitimate purpose. The inherent potential for unauthorized disclosures of intimate images over the internet and other technologies present a problem that may transcend state boundaries.

The [Drafting Committee for a Model Veterans' Court Act](#) held its final meeting in Chicago. That act is scheduled for approval in San Diego. This committee is developing model state legislation that will provide guidelines for the establishment of veterans' courts while permitting substantial local discretion necessary to accommodate particular circumstances in different communities.

The [Drafting Committee on Regulation of Virtual Currency Businesses Act](#) also met in Chicago, and is also scheduled for final approval in San Diego. This committee is drafting an act to regulate virtual currency businesses and is dealing with issues such as licensing requirements; reciprocity; consumer protection; cybersecurity; anti-money laundering; supervision of licensees, and other issues.

The [Drafting Committee to Revise the Uniform Parentage Act](#) met in Seattle, March 17-18. The ULC adopted the Uniform Parentage Act (UPA) in 2000, which was a complete revision of a 1973 uniform act. The UPA (2000), which has been adopted in 11 states, covers a number of topics, including: the parent-child relationship, voluntary acknowledgements of paternity, a registry of paternity, genetic testing, proceedings to adjudicate parentage, and children of assisted reproduction. The 2017 UPA revises the Act to address three primary issues. First, the 2017 UPA seeks to ensure the equal treatment of children born to same-sex couples. Second, the 2017 UPA updates the surrogacy provisions to reflect developments in that area. Finally, the 2017 UPA includes a new article – Article 9 – that addresses the right of children born through assisted reproductive technology to access medical and identifying information regarding any gamete providers.

The [Drafting Committee on Electronic Registry for Residential Mortgage Notes](#) met for the first time in Bethesda, Maryland, March 17-18. The committee met to discuss a possible state electronic registry for residential mortgage notes, and to review the latest draft of the Federal Reserve Bank of New York's National Mortgage Repository Act.

[Drafting Committee on Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act](#) also met in Bethesda. This Act replaces the Uniform Guardianship and Protective Proceedings Act (UGPPA) of 1997. The Act covers guardianships and conservatorships for both minors and adults, as well as court orders instead of guardianship or conservatorship. The Revised Act is scheduled for final approval in San Diego.

The [Drafting Committee on Directed Trust Act](#) held its final meeting in Bethesda. This committee is addressing the problems of divided trusteeship and the uncertainty that exists about the fiduciary status of nontrustees who have control or potential control over a function of trusteeship and about the fiduciary responsibility of trustees with regard to actions taken by such nontrustees. This act is scheduled for final approval in San Diego.

Upcoming meetings include:

- Drafting Committee on Criminal Records Accuracy Act
- Drafting Committee on Non-Parental Rights to Child Custody and Visitation
- Drafting Committee to Amend the Uniform Principal and Income Act
- Drafting Committee to Amend UCC Articles 1, 3, and 9
- JEB for Uniform Unincorporated Organizations Act
- JEB for Uniform Real Property Act
- JEB for Uniform Trust and Estate Acts

The Style Committee will meet again late this spring to provide one last review of all the drafts that will be considered in San Diego.

Don't forget that you can also follow our projects and other ULC developments as they occur on our blog, [ULC Updates](#).

Meanwhile, the ULC staff is busy getting ready for the San Diego annual meeting, July 14 through July 20. Online registration should be open soon, and the meeting packet will be sent to all commissioners. We'll be together in San Diego before you know it!





New Target Act: Uniform Unsworn Declarations Act

At its January 21, 2017 meeting, the ULC Legislative Council added one new act to the Target List: the Uniform Unsworn Declarations Act (UUDA).

The UUDA was promulgated in 2016, and is a companion to the Uniform Unsworn Domestic Declarations Act and the Uniform Unsworn Foreign Declarations Act.

The Uniform Unsworn Declarations Act allows the use of unsworn declarations made under penalty of perjury in state court proceedings. Under the Act, the declarant may be physically located within or outside the boundaries of the United States while making the declaration.

If the state's law either requires or allows use of a sworn declaration, an unsworn declaration made under the Act's rules has the same effect as a sworn declaration.

The UUDA does not apply to:

- A deposition;
- An oath of office;
- An oath required to be given before a specified official other than a notary public;
- A declaration to be recorded under the state's real estate law; or
- An oath required by the state's law relating to self-proved wills.

Under the UUDA, an unsworn declaration must be in substantially the following form:

I declare under penalty of perjury under the law of [insert name of the enacting state] that the foregoing is true and correct.

Signed on the ___ day of _____, _____, at _____.
(month) (year) (city or other location, and state or country)

(printed name)

(signature)

The UUDA builds upon the Uniform Unsworn Foreign Declarations Act (UUFDA), which covers unsworn declarations made outside the boundaries of the United States. States that have enacted the UUFDA should enact the Uniform Unsworn Domestic Declarations Act; states that have not enacted the UUFDA should enact the Uniform Unsworn Declarations Act.

The UUFDA has now been enacted in 22 states, and has been introduced in three additional states this year. The UUDA has been introduced in one state this year.



New Drafting and Study Committees

At its recent 2017 Midyear Meeting, the ULC Executive Committee authorized the appointment of four new drafting committees and three new study committees.

The new drafting committees are:

Drafting Committee on Electronic Wills

This committee will draft a uniform act or model law addressing the formation, validity and recognition of electronic wills. The committee may seek expansion of its charge to address end-of-life planning documents such as advance medical directives or powers of attorney for health care of finance.

Joint Drafting Committee on Registration of Foreign Judgments to Harmonize the Law of Canada and the US

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 Judgments Recognition Act or the Uniform Enforcement of Foreign Judgments Act.

Drafting Committee on Tort Law relating to Drones

This committee will draft a uniform act or model law addressing tort liability and defenses associated with the unique use of aerial drones.

Drafting Committee on Highly Automated Vehicles

This committee will draft the outline for a model law or uniform act addressing definitions and scope, and registration and titling of highly automated vehicles for consideration by the Executive Committee of the Uniform Law Commission in July 2017. On the direction of the Executive Committee, the drafting committee may then draft a model law or uniform act governing these aspects of highly automated vehicles.

The new study committees are:

Study Committee on Right of Publicity

This committee will study the need for and feasibility of drafting a uniform act or model law addressing the right of publicity.

Study Committee on Amendments to the Uniform Conservation Easement Act

This committee will study the need for and feasibility of drafting, and appropriate breadth and depth of potential amendments to the Uniform Conservation Easement Act in light of legislative, case law, and other legal developments since the UCEA's adoption.

Study Committee on Economic Rights of Unmarried Cohabitants

This committee will study the need for and feasibility of drafting a uniform act or model law addressing the economic rights of unmarried cohabitants in the United States, both at divorce and upon death.



ABA Midyear Meeting

Five new uniform acts were approved by the American Bar Association's House of Delegates at the ABA's Midyear Meeting in Miami, Florida, February 1-7, 2017.

The [Uniform Employee and Student Online Privacy Protection Act](#) addresses both employers' access to employees or prospective employees' social media and other online accounts accessed via username and password or other credentials of authentication as well as educational institutions' access to students' or prospective students' similar online accounts.

The [Uniform Family Law Arbitration Act](#) standardizes the arbitration of family law. It is based in part on the Revised Uniform Arbitration Act, though it departs from the RUAA in areas in which family law arbitration differs from commercial arbitration. This Act is intended to create a comprehensive family law arbitration system for the states.

The [Uniform Unsworn Domestic Declarations Act](#) builds upon the Uniform Unsworn Foreign Declarations Act, which covers unsworn declarations made outside the United States. This new Uniform Act permits the use of unsworn declarations made under penalty of perjury in state courts when the declaration was made inside the U.S.

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

The [Uniform Wage Garnishment Act](#) seeks to simplify and clarify wage garnishments for employers, creditors, and consumers by standardizing how the wage garnishment process works and offering plain-language notice and garnishment calculation forms.

2015-2016 Annual Report

The ULC's Annual Report was sent to all commissioners earlier this year. The annual report contains information on current ULC activity, and commissioners are encouraged to use the report in your state. You can use the report for informing individuals in your state about the ULC, including appointing authorities, legislative leadership, and state bar leadership; there may also be other people you wish to keep informed on ULC activities. If you would like extra copies of the annual report, please call the Chicago office and we will be happy to send you extra copies.

Another useful publication is the new **Guide to Uniform and Model Acts**, which has summary information on every current uniform and model act, and is a wonderful quick reference guide to ULC acts. It is designed for commissioners, but is also useful for other individuals who may need information on the ULC. Again, please contact the Chicago office if you'd like to receive additional copies of the **Guide to Uniform and Model Acts**.

These publications are also posted on the website at www.uniformlaws.org; direct link here to all ULC publications:<http://www.uniformlaws.org/Narrative.aspx?title=Publications>



The 2017 legislative year is well underway, and we're seeing progress on many new acts. We currently have more than 160 introductions in the various states, with 14 enactments.

Ohio and Pennsylvania have gotten off to a great start, with three enactments already in the books in each state. Pennsylvania has enacted the Revised Uniform Limited Liability Company Act, Revised Uniform Limited Partnership Act, and Revised Uniform Partnership Act. Ohio has enacted the Revised Uniform Fiduciary Access to Digital Assets Act, the 2008 Amendments to the Uniform Principal and Income Act, and the Uniform Simultaneous Death Act. The U.S. Virgin Islands has enacted two acts: the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act and the Uniform Guardianship and Protective Proceedings Act. Virginia has also enacted two acts: the Revised Uniform Fiduciary Access to Digital Assets Act and the Uniform Trust Decanting Act.

Utah is poised to have another a very successful year, with one enactment – the Revised Uniform Fiduciary Access to Digital Assets Act – and five more acts that have already passed both houses.

The Revised Uniform Fiduciary Access to Digital Assets Act has already been introduced in 21 states this year, and enacted in three. At least 25 introductions for that act are expected this year. The Revised Uniform Athlete Agents Act and the 2014 Amendments to the Uniform Voidable Transactions Act have each posted 10 introductions so far this year.

The new 2016 acts have recorded the first enactment: Delaware enacted the Revised Uniform Unclaimed Property Act.

Target Acts

In January 2017, the Legislative Council recommended the addition of one new act to the Target List: the Uniform Unsworn Declarations Act (see accompanying article on p.3).

There are now 16 Target Acts:
Target Acts:

1. Revised Athlete Agents Act: 3 enactments
2. Collaborative Law Act: 16 enactments
3. Collateral Consequences of Conviction Act: 1 enactment
4. Deployed Parents Custody and Visitation: 12 enactments
5. Electronic Legal Material Act: 13 enactments
6. Emergency Volunteer Health Practitioners Act: 16 enactments
7. Revised Fiduciary Access to Digital Assets Act: 24 enactments
8. Foreign Country Money Judgments Recognition Act: 21 enactments
9. Limited Liability Company Act: 18 enactments
10. Limited Partnership: 21 enactments
11. Military and Overseas Voters Act: 16 enactments
12. Power of Attorney Act: 22 enactments
13. Powers of Appointment: 6 enactments
14. Prevention of and Remedies for Human Trafficking: 7 enactments
15. Unsworn Declarations Act¹: 0 enactments
16. Voidable Transactions Act (2014): 10 enactments

1. The Uniform Unsworn Declarations Act is closely related to both the Uniform Unsworn Foreign Declarations Act, which covers unsworn declarations made outside the boundaries of the United States, and the Uniform Unsworn Domestic Declarations Act, which covers unsworn declarations made inside the U.S. States that have not enacted the Uniform Unsworn Foreign Declarations Act should enact this Act, which essentially combines both the UUFDA and the UUDA into one comprehensive Act.

ULC Member News



Georgia Commissioner **Paul M. Kurtz** was recently honored by the University of Georgia with the UGA President's Medal. The Medal was presented on January 23, 2017, during Founder's Day. The President's Medal recognizes extraordinary contributions to individuals who are not current employees of UGA and who have supported students and academic programs, advanced research, and inspired community leaders to enhance the quality of life in

Georgia. Paul is retired associate dean and professor in the UGA School of Law.

UGA President Jere W. Morehead said, "Paul Kurtz is among the most respected faculty members to have served the University, and he is renowned nationwide for his legal expertise and leadership still today. We are pleased to recognize his many contributions to strengthening the academic mission of the University and improving the legal system in our state and nation."



North Carolina Commissioner and Life Member **Henry Gabriel Jr.**, is being honored by the American Bar Association's Section of International Law for his scholarship and contributions to the field. Henry will receive the 2017 Leonard J. Theberge Award for Private International Law in April at the section's meeting in Washington, DC.

Henry is a U.S. Delegate to the U.N. Commission on International Trade Law, where he has worked on

international trade laws for electronic commerce and transport documents. He is on the U.S. State Department's Advisory Committee on Private International Law, and an elected member of Rome's Governing Council of the International Institute for the Unification of Private Law.

Newly Appointed Members

Numerous new members have been appointed to the ULC in the last several months.

In Colorado, state Representative Cole Wist, representing House District 37 in Arapahoe County, has been appointed commissioner, replacing Yeulin Willett.

In Florida, Dawn Roberts, General Counsel at the Florida Senate in Tallahassee, has been designated an associate member.

In Kansas, state Representative Blaine Finch from Ottawa, KS, has been appointed commissioner, replacing Jeff King.

In Maine, David J. Champoux, an attorney in Portland, has been appointed commissioner.

In Michigan, three new commissioners have been appointed. Jennifer Detloff, Michigan Legislative Council Administrator in Lansing, has been appointed commissioner, replacing John Strand. James P. Spica, an attorney in Detroit, has been appointed commissioner, replacing Jim White, who became a life member. And state Representative Robert L. Kosowski from Westland, MI, has been appointed commissioner, replacing Derek Miller.

In Nevada, state Senator Becky Harris, representing District 9 serving part of Clark County, has been appointed commissioner.

In North Dakota, Parell Grossman with the Office of Attorney General, Consumer Protection and Antitrust Division in Bismarck, has been designated a commissioner by the Attorney General.

In Ohio, Cassandra Burke Robertson, Professor of Law and Director of the Center for Professional Ethics at Case Western Reserve University School of Law in Cleveland, has been appointed commissioner.

In Oregon, Victoria Blachly, an attorney in Portland, has been appointed commissioner, replacing Beverly Pearman.

In Wisconsin, state Representative Ron Tusler from Harrison, WI, has been appointed commissioner, replacing David Prosser, who became a life member.



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