

**WASHINGTON UNIFORM LAW COMMISSION  
REPORT TO GOVERNOR INSLEE AND  
WASHINGTON STATE LEGISLATURE  
February 14, 2020**

By Washington Uniform Law Commission

**I. PREAMBLE**

To the Honorable Jay Inslee and members of the Washington State Legislature: the Washington Commissioners on Uniform State Laws respectfully submit this annual report.

**II. OVERVIEW OF UNIFORM LAW COMMISSION**

The Uniform Law Commission (ULC), also known as the National Conference of Commissioners on Uniform State Laws, has worked for the uniformity of state laws since 1892. It is composed of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Each jurisdiction determines the method of appointment and the number of commissioners appointed. The statutory authority governing Washington's uniform law commission can be found at chapter 43.56 RCW.

There is only one qualification required of the more than 300 uniform law commissioners: that they are members of the bar. While some commissioners serve as state legislators and other state officials, most are practitioners, judges and law professors. Uniform law commissioners serve for specific terms and receive no salaries or fees for their work with the Uniform Law Commission.

Commissioners study and review the law of the states to determine which areas of law should be uniform. The commissioners promote the principle of uniformity by drafting and proposing specific statutes in areas of the law where uniformity between the states is desirable. The ULC can only propose – no uniform law is effective until a state legislature adopts it.

The work of the ULC simplifies the legal life of businesses and individuals by providing rules and procedures that are consistent from state to state. Representing both state government and the legal profession, it is a genuine coalition of state interests. It has sought to bring uniformity to the divergent legal traditions of more than 50 jurisdictions – and has done so with significant success.

**III. HISTORY**

On August 24, 1892, representatives from seven states – Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey and Pennsylvania – met in Saratoga Springs, New York, to form what is now known as the Uniform Law Commission. By 1912, every state was participating in the ULC. The U.S. Virgin Islands was the last jurisdiction to join, appointing its first commission in 1988.

Very early on the ULC became known as a distinguished body of lawyers. The ULC has attracted some of the best of the profession. In 1901, Woodrow Wilson became a member. This, of course, was before his more notable political prominence and service as President of the United States. Several persons, later to become Justices of the Supreme Court of the United States, have been members: former Justices Brandeis, Rutledge, and Souter, and former Chief Justice Rehnquist. Legal scholars have served in large numbers, including Professors Wigmore, Williston, Pound and Bogert. Many more distinguished lawyers have served since 1892.

In each year of service, the ULC steadily increased its contribution to state law. Since its founding, the ULC has drafted more than 200 uniform laws on numerous subjects and in various fields of law, setting patterns for uniformity across the nation. Uniform Acts include the Uniform Probate Code, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Anatomical Gift Act, the Uniform Interstate Family Support Act, the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Prudent Management of Institutional Funds Act.

Most significant was the 1940 ULC decision to attack major commercial problems with comprehensive legal solutions – a decision that set in motion the project to produce the Uniform Commercial Code (UCC). Working with the American Law Institute, the UCC took ten years to draft and another 14 years before it was enacted across the country. It remains the signature product of the ULC.

Today the ULC is recognized primarily for its work in commercial law, family law, the law of probate and estates, the law of business organizations, health law, and conflicts of law.

The Uniform Law Commission arose out of the concerns of state government for the improvement of the law and for better interstate relationships. Its sole purpose has been, and remains, service to state government and improvement of state law.

#### **IV. DIVERSITY STATEMENT**

Each member jurisdiction determines the number of uniform law commissioners it appoints to the Uniform Law Commission, the terms of uniform law commissioners and the individuals who are appointed from the legal profession of that jurisdiction. The Uniform Law Commission encourages the appointing authorities to consider, among other factors, diversity of membership in their uniform law commissions, including race, ethnicity and gender in making appointments.

The Uniform Law Commission does its best work when the uniform law commissioners are drawn from diverse backgrounds and experiences.

## **V. PROCEDURES**

The ULC convenes as a body once a year. It meets for a period of six or seven days, usually in July or August. In the interim period between these annual meetings, drafting committees composed of Commissioners meet to supply the working drafts that are considered at the annual meeting. At each annual meeting, the work of the drafting committees is read and debated. Each Act must be considered over a substantial period of years. No Act becomes officially recognized as a Uniform Act until the Uniform Law Commission is satisfied that it is ready for consideration in the state legislatures. It is then put to a vote of the states, during which each state caucuses and votes as a unit.

The governing body is the ULC Executive Committee, and is composed of the officers, certain ex-officio members, and members appointed by the ULC President. Certain activities are conducted by the standing committees. For example, the Committee on Scope and Program considers all new subject areas for possible Uniform Acts. The Legislative Committee superintends the relationships of the ULC to the state legislatures.

A small staff located in Chicago operates the national office of the ULC. The national office handles meeting arrangements, publications, legislative liaison, and general administration for the ULC.

The ULC maintains relations with several sister organizations. Official liaison is maintained with the American Bar Association, which provides advisors to all ULC drafting committees and many ULC study committees. Liaison is also maintained with the American Law Institute, the Council of State Governments, the National Conference of State Legislatures, the National Association of Secretaries of State, the Conference of Chief Justices, and the National Center for State Courts on an on-going and as-needed basis. Liaison and activities are conducted with other organizations as interests and activities necessitate.

## **VI. ACTIVITIES OF THE WASHINGTON COMMISSIONERS**

A. The Washington Commissioners are:

Marlin J. Appelwick  
Kathleen Buchli  
Dennis W. Cooper  
Jamie Pedersen  
Michele Radosevich  
Anita Ramasastry

B. The ULC committee assignments for Commissioners from Washington are:

Kathleen Buchli

- Study Committee on Healthcare Law

Dennis Cooper

- Parliamentary Practice Committee

Michele Radosevich

- Study Committee on Telemedicine

Anita Ramasastry

- Joint NULC/American Law Institute Study Committee on revisions to the Uniform Commercial Code
- International Legal Developments Committee
- Academic Partnerships

C. Other ULC offices held by Commissioners from Washington are:

Dennis Cooper

- Chair, Parliamentary Practice Committee

Jamie Pedersen

- Executive Committee

Michele Radosevich

- Chair, Study Committee on Telemedicine

Professor Anita Ramasastry served as the President of the Uniform Law Commission from 2017-19. She was the first commissioner from Washington state to hold this position and the first Asian American president and person of color. She is the third woman to serve in this role.

- Immediate Past President of the Uniform Law Commission
- Executive Committee

D. Meetings held by the Washington Commissioners in the year 2019 were:

February 13, 2019 (telephone)

May 8, 2019 (telephone)

November 7, 2019 (Seattle, Washington)

- E. Washington Commissioners attending the July 12-18, 2019, ULC Annual Meeting in Anchorage, Alaska were:

Marlin J. Appelwick  
Kathleen Buchli  
Dennis. W. Cooper  
Jamie Pedersen  
Michele Radosevich  
Anita Ramasastry

For a listing of Acts approved during the 2019 annual meeting, please see part VII.

- F. Legislative appearances by the Washington Commissioners in 2019 were led by Senator Jamie Pedersen. Senator Pedersen directs legislative activities, sponsors, and advocates for the Uniform Acts in Washington state.
- G. More information on the Washington Uniform Law Commission can be found at its [web page](#). The Commission's web page includes meeting dates, places, times, and minutes of past meetings.

## **VII. A SUMMARY OF NEW ACTS (approved at the ULC 2019 annual meeting)**

### **Uniform Automated Operation of Vehicles Act**

The Uniform Automated Operation of Vehicles Act regulates important aspects of the operation of automated vehicles. This act covers the deployment of automated vehicles on roads held open to the public by reconciling automated driving with a typical state motor vehicle code. Many of the act's sections – including definitions, driver licensing, vehicle registration, equipment, and rules of the road – correspond to, refer to, and can be incorporated into existing sections of a typical vehicle code. This act also introduces the concept of automated driving providers (ADPs) as a legal entity that must declare itself to the state and designate the automated vehicles for which it will act as the legal driver when the vehicle is in automated operation. The ADP might be an automated driving system developer, a vehicle manufacturer, a fleet operator, an insurer, or another kind of market participant that has yet to emerge. Only an automated vehicle that is associated with an ADP may be registered. In this way, the Automated Operation of Vehicles Act uses the motor vehicle registration framework that already exists in states – and that applies to both conventional and automated vehicles – to incentivize self-identification by ADPs. By harnessing an existing framework, the act also seeks to respect and empower state motor vehicle agencies.

### **Uniform Electronic Wills Act**

The Uniform Electronic Wills Act permits testators to execute an electronic will and allows probate courts to give electronic wills legal effect. Most documents that were traditionally printed on paper can now be created, transferred, signed, and recorded in electronic form. Since 2000 the Uniform Electronic Transactions Act (UETA) and a similar federal law, E-SIGN have provided that a transaction is not invalid solely because the terms of the contract are in an electronic format. But UETA and E-SIGN both contain an express exception for wills, which, because the testator is deceased at the time the document must be interpreted, are subject to special execution requirements to ensure validity and must still be executed on paper in most states. Under the new Electronic Wills Act, the testator's electronic signature must be witnessed contemporaneously (or notarized contemporaneously in states that allow notarized wills). States will have the option to include language that allows remote witnessing. The act will also address recognition of electronic wills executed under the law of another state. For a generation that is used to banking, communicating, and transacting business online, the Uniform Electronic Wills Act will allow online estate planning while maintaining safeguards to help prevent fraud and coercion.

#### **Uniform Registration of Canadian Money Judgments Act**

The Uniform Registration of Canadian Money Judgments Act will facilitate the enforcement of Canadian money judgments in the United States in a manner comparable to the way U.S. money judgments are enforced in Canada through its Canadian Uniform Enforcement of Foreign Judgments Act. This Act is intended to supplement the Uniform Foreign Country Money Judgments Recognition Act (Recognition Act). If a state has not enacted the Recognition Act, it may enact this Act at the same time it adopts the Recognition Act as a companion Act.

#### **Amendments to the Uniform Athlete Agents Act**

An Amendment to the Uniform Athlete Agents Act applies to changes that the NCAA made to its bylaws in August of 2018 to provide student athletes with more freedom and flexibility to explore the possibility of going professional while retaining their college eligibility. Under the new NCAA bylaws, certified sports agents can cover limited expenses of a prospective or enrolled student-athlete and their family for meals, hotel and travel in connection with the agent selection process. Because the NCAA bylaw changes were in conflict with the Athlete Agents Acts, the NCAA asked the ULC to amend the two Uniform Athlete Agents Acts so they will not conflict with the bylaw changes. The Section 14 Amendment was drafted to clear up the conflict; it was also drafted so that it applies beyond the current bylaws to ensure that the ULC will not have to go to state legislatures every time the NCAA broadens its bylaws. The amendment does, however, set forth appropriate safeguards so that it only applies if the NCAA makes further changes.

#### **Amendments to the Uniform Probate Code**

The 2008 Amendments to the Uniform Probate Code (UPC) expand and update UPC Article II, adding new provisions concerning adoption and assisted reproductive technology. The 2008 amendments also make the UPC consistent with the use of electronic signatures and records.

## **VIII. RECOMMENDATIONS FOR ENACTMENT**

The Washington Commissioners have recommended that these Uniform Acts be considered in the 2020 legislative session:

- Uniform Directed Trust Act, SSB 6029
- Uniform Electronic Transactions Act, SSB 6028
- Amendments to the Uniform Athletes Agents Act, SB 6286
- Revised Uniform Unclaimed Property Act, SHB 1179
- Uniform Automated Operation of Vehicles Act, HB 2470

## **IX. ENACTMENT RECORD TO DATE**

Washington led all states with six enactments in 2019:

- Faithful Presidential Electors
- Guardianship, Conservatorship, and Other Protective Arrangements Act
- Limited Cooperative Association
- Recognition and Enforcement of Canadian Domestic Violence Protection Orders
- Revised Uniform Law on Notarial Acts
- Unsworn Declarations Act

## **X. UNIFORM LAW COMMISSION DUES**

The ULC receives the major portion of its financial support from population-based state appropriations. Every jurisdiction is also asked to fund its commissioners' participation at the ULC's Annual Meeting, where acts are debated, amended, and voted upon for approval.

Fiscal Year 2019-2020  
State Dues

<b>Alabama</b>	62,400	<b>Nevada</b>	37,250
<b>Alaska</b>	37,000	<b>New Hampshire</b>	37,250
<b>Arizona</b>	61,500	<b>New Jersey</b>	62,400
<b>Arkansas</b>	37,250	<b>New Mexico</b>	37,250
<b>California</b>	175,350	<b>New York</b>	175,350
<b>Colorado</b>	62,400	<b>North Carolina</b>	62,400
<b>Connecticut</b>	37,250	<b>North Dakota</b>	37,250
<b>Delaware</b>	37,250	<b>Ohio</b>	87,500
<b>Dist. of Col.</b>	37,100	<b>Oklahoma</b>	37,250
<b>Florida</b>	125,000	<b>Oregon</b>	37,250

<b>Georgia</b>	62,400	<b>Pennsylvania</b>	87,500
<b>Hawaii</b>	37,250	<b>Puerto Rico</b>	30,600
<b>Idaho</b>	37,250	<b>Rhode Island</b>	37,250
<b>Illinois</b>	87,500	<b>South Carolina</b>	62,400
<b>Indiana</b>	62,400	<b>South Dakota</b>	37,250
<b>Iowa</b>	37,250	<b>Tennessee</b>	62,400
<b>Kansas</b>	37,250	<b>Texas</b>	125,000
<b>Kentucky</b>	62,400	<b>US Virgin Island</b>	19,950
<b>Louisiana</b>	62,400	<b>Utah</b>	37,250
<b>Maine</b>	37,250	<b>Vermont</b>	37,000
<b>Maryland</b>	62,400	<b>Virginia</b>	62,400
<b>Massachusetts</b>	62,400	<b>Washington</b>	62,400
<b>Michigan</b>	62,400	<b>West Virginia</b>	37,250
<b>Minnesota</b>	62,400	<b>Wisconsin</b>	62,400
<b>Mississippi</b>	37,250	<b>Wyoming</b>	36,050
<b>Missouri</b>	62,400		
<b>Montana</b>	37,250		
<b>Nebraska</b>	37,250		