

WASHINGTON UNIFORM LAW COMMISSION
REPORT TO GOVERNOR INSLEE AND
WASHINGTON STATE LEGISLATURE
February 2, 2023

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 300 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 is usually convened as a body once a year at its annual meeting, for a period of six or seven days in July. 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. Other standing committees include the Committee on Scope and Program, which considers new subject areas for possible Uniform Acts, and the Legislative Committee, which superintends the relationships of the ULC to the state legislatures.

The ULC's small staff, headquartered in Chicago, handles meeting arrangements, publications, legislative liaison, and general administration for the ULC.

The ULC maintains relations with several sister organizations. The American Bar Association provides advisors to ULC drafting committees and 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 National Association of Attorneys General, the Conference of Chief Justices, and the National Center for State Courts, and other organizations.

VI. ACTIVITIES OF THE WASHINGTON COMMISSIONERS

A. The Washington Commissioners are:

Michele Radosevich (Appointed 2015) is the Chair for the Washington Uniform Law Commission. She is a former member of the Wisconsin State Senate and current partner at Davis Wright Tremaine.

Marlin J. Appelwick (Appointed as a life member 2005) is a former judge on the Court of Appeals and a former member of the Washington State House of Representatives.

Karen Boxx (Appointed 2022) is a faculty member at the University of Washington and a Fellow of the American College of Trust and Estate Counsel.

Kathleen Buchli (Appointed 2018) is the Secretary for the Washington Uniform Law Commission and the Washington State Code Reviser.

Dennis W. Cooper (Appointed as a life member 2010) is a former Washington State Code Reviser.

Jamie Pedersen (Appointed 2010) is the majority floor leader in the Washington State Senate and is executive vice president and general counsel at McKinstry in Seattle.

Anita Ramasastry (Appointed as a life member 2022) is the Henry M. Jackson Professor of Law and the Director of the Sustainable International Development Graduate Program at the University of Washington School of Law. She served as president of the Uniform Law Commission from 2017-2019 and was the first Asian American president and person of color to hold this position.

B. The ULC activities for Commissioners from Washington are:

Karen Boxx

- Restrictive Covenants in Deeds Committee, ABA Advisor

Dennis Cooper

- Parliamentary Practice Committee, Chair

Jamie Pedersen

- Legislative Council
- Parentage Act, Enactment Committee, Chair

Michele Radosevich

- Telehealth Drafting Committee, Chair
- Recurring Service Charges Drafting Committee
- Election Law Study Committee

Anita Ramasastry

- Transparency in Supply Chains Study Committee, Chair
- International Legal Developments Committee
- Uniform Commercial Code Committee

- C. Meetings held by the Washington Commissioners in the year 2022 were:

February 9, 2022 (Zoom video conference)
May 25, 2022 (Zoom video conference)
December 5, 2022 (Zoom video conference)

- D. The Uniform Law Commission 2022 Annual meeting began on July 8, 2021, and was held in person in Philadelphia, Pennsylvania. All six Washington commissioners who were in office at the time attended the meeting.

For a listing of Acts approved during the 2022 annual meeting, please see part VII.

- E. Legislative appearances by the Washington Commissioners in 2022 were led by Senator Jamie Pedersen. Senator Pedersen directs legislative activities, sponsors, and advocates for the Uniform Acts in Washington state.
- F. More information on the Washington Uniform Law Commission can be found at its [webpage](#). The Commission's webpage includes meeting dates, places, times, and minutes of past meetings.

VII. A SUMMARY OF NEW ACTS (approved during the ULC 2022 annual meeting)

UNIFORM ALCOHOL DIRECT-SHIPPING COMPLIANCE ACT

The Uniform Alcohol Direct-Shipping Compliance Act enhances an enacting state's capability to detect and stop unlawful direct-to-consumer ("DTC") shipments of alcoholic beverages to the state's residents. The Act integrates with existing state law as to whether DTC shipping is allowed, and for which types of alcoholic beverages. The Act does not create new or additional authorization burdens to ship alcoholic beverages directly to a consumer. Instead, the Act creates new tools for state regulators to use to ensure that existing state laws regarding DTC shipping are obeyed. For instance, the Act provides state regulators a mechanism for distinguishing between DTC shipments originating from shippers licensed under the state's existing law and DTC shipments originating from non-licensed shippers.

UNIFORM ELECTRONIC ESTATE PLANNING DOCUMENTS ACT

The Uniform Electronic Estate Planning Documents Act will fill a gap in the law regarding the execution of certain estate planning documents, including trusts and powers of attorney. The Uniform Electronic Transactions Act (UETA) authorizes the electronic execution of bilateral contracts if the parties to a transaction agree. The Uniform Electronic Wills Act (UEWA) authorizes the testator of a will and witnesses to execute a will in electronic form. However, trusts, powers of attorney, and some other types of estate planning documents fell into a legal

grey area where the law governing electronic execution was ambiguous. The Uniform Electronic Estate Planning Documents Act clarifies that these documents may also be executed in electronic form. The new act was drafted to complement UEWA and could be adopted by a state simultaneously with that act to comprehensively authorize the electronic execution of wills, trusts, powers of attorney, and several other types of common estate planning documents.

MODEL PUBLIC MEETINGS DURING EMERGENCIES ACT

The Covid-19 pandemic has highlighted the need for public bodies to meet when disasters and other emergencies make in-person meetings of public bodies either impossible or inadvisable. The Model Public Meetings During Emergencies Act is intended to provide a process to ensure that important public meetings can go forward when these events occur consistent with protecting public access to meetings. The Act builds on existing state laws authorizing the declaration of emergencies and subjecting public meetings to various procedural and public access requirements. This Act is intended to work in harmony with those laws, particularly open meetings and other laws providing for public comment on and participation in the deliberations of public bodies.

UNIFORM TELEHEALTH ACT

In recent years, improvements in telecommunication technologies have transformed the delivery of health care. The arrival of the Covid-19 pandemic greatly expanded patient demand for telehealth services. To meet patient needs, many states chose to modify licensure and other requirements that served as barriers to the delivery of telehealth services. Today, many states are re-examining laws related to telehealth, often with an eye toward expanding access to care while maintaining protections for patients. The Uniform Telehealth Act has two broad goals. The first is to make clear that, as a general matter, health care services may be provided through telehealth, if doing so is consistent with applicable professional practice standards and the practitioner's scope of practice, as defined by the state in which the patient is located. The second goal is to establish a registration system for practitioners who hold licenses in other states. This Act permits a registered practitioner to provide telehealth services to patients located in the state adopting the act.

UNIFORM COMMERCIAL CODE AND EMERGING TECHNOLOGIES

The 2022 Amendments to the Uniform Commercial Code (UCC) update and modernize the UCC to address emerging technologies. A new UCC Article 12 on Controllable Electronic Records governs transactions involving new types of digital assets (such as virtual currencies, electronic money, and nonfungible tokens), and corresponding changes to UCC Article 9 address security interests in digital assets. The 2022 amendments also update terminology to account for digital records, electronic signatures, and distributed ledger technology, provide rules for electronic negotiable instruments, and clarify the rules for UCC applicability to hybrid transactions involving both goods and services.

VIII. RECOMMENDATIONS FOR ENACTMENT 2023

The Washington Commissioners have recommended that these Uniform Acts be considered in the 2023 legislative session:

- The Uniform Family Law Arbitration Act
- The Uniform Partition of Heirs Property Act
- The Uniform Easement Relocation Act
- The Uniform Civil Remedies for the Unauthorized Disclosure of Intimate Images Act
- The Uniform Child Abduction Prevention Act
- The Uniform Commercial Code, Amendments relating to Emerging Technologies
- The Uniform Telehealth Act

IX. ENACTMENT RECORD

The Washington Legislature enacted the following Acts during the 2022 Legislative Session:

- The Revised Uniform Unclaimed Property Act. [Chapter 225, Laws of 2022.](#)
- The Unregulated Child Custody Transfer Act. [Chapter 88, Laws of 2022.](#)

According to the records of the ULC, Washington state has enacted 155 Uniform and Model Acts.

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 2023 State Dues

Alabama	63,600	Nevada	37,950
Alaska	37,950	New Hampshire	37,950
Arizona	63,600	New Jersey	63,600
Arkansas	37,950	New Mexico	37,950
California	178,850	New York	178,850
Colorado	63,600	North Carolina	63,600
Connecticut	37,950	North Dakota	37,950
Delaware	37,950	Ohio	89,250
Dist. of Col.	37,950	Oklahoma	37,950
Florida	127,500	Oregon	37,950
Georgia	63,600	Pennsylvania	89,250
Hawaii	37,950	Puerto Rico	31,200

Idaho	37,950	Rhode Island	37,950
Illinois	89,250	South Carolina	63,600
Indiana	63,600	South Dakota	37,950
Iowa	37,950	Tennessee	63,600
Kansas	37,950	Texas	127,500
Kentucky	63,600	US Virgin Island	20,300
Louisiana	63,600	Utah	37,950
Maine	37,950	Vermont	37,950
Maryland	63,600	Virginia	63,600
Massachusetts	63,600	Washington	63,600
Michigan	63,600	West Virginia	37,950
Minnesota	63,600	Wisconsin	63,600
Mississippi	37,950	Wyoming	37,850
Missouri	63,600		
Montana	37,950		
Nebraska	37,950		