

WASHINGTON UNIFORM LAW COMMISSION  
REPORT TO GOVERNOR INSLEE AND  
WASHINGTON STATE LEGISLATURE  
January 8, 2024

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 fundamental requirement for the more than 300 uniform law commissioners: that, when first appointed, they are members of the bar. While some commissioners serve as state legislators and other state officials, most are practitioners, judges, or law professors. Uniform law commissioners receive no salaries 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 statutes in areas of the law where uniformity between the states is desirable. The ULC can only propose laws; 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. Woodrow Wilson became a member before his service as President of the United States. Several 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 has steadily increased its contribution to state law. Since its founding, the ULC has drafted more than 300 uniform laws 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, among other areas.

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 two 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 2002) 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

- Probate and Non-Probate Transfer Integration Committee
- Commercial Financing Disclosure Committee

Kathleen Buchli

- State Government Use of AI, Study Committee

Dennis Cooper

- Parliamentary Practice Committee, Chair

Jamie Pedersen

- Legislative Council
- Parentage Act, Enactment Committee, Chair
- Scope and Program Committee
- Gamete Donor Identity Disclosure Study Committee, Chair

Michele Radosevich

- Division Chair
- Cybercrime Drafting Committee
- Military Spouse Occupational Licensing Drafting 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 2023 were:

February 8, 2023 (Zoom video conference)

May 3, 2023 (Zoom video conference)

November 8, 2023 (In person and on Zoom video conference)

D. The Uniform Law Commission 2023 Annual meeting took place in Honolulu, Hawaii from July 21, 2023, to July 27, 2023, and all Washington commissioners were in attendance.

For a listing of Acts approved during the 2023 annual meeting, please see part VII.

E. Legislative appearances by the Washington Commissioners in 2023 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 2023 annual meeting)**

### **Uniform Consumer Debt Default Judgments Act**

Numerous studies report that default judgments are entered in more than half of all debt collection actions. The purpose of this Act is to provide consumer debtors and courts with the information necessary to evaluate debt collection actions. The Act provides consumer debtors with access to information needed to understand claims being asserted against them and identify available defenses; advises consumers of the adverse effects of failing to raise defenses or seek the voluntary settlement of claims; and makes consumers aware of assistance that may be available from legal aid organizations. The Act also seeks to provide a uniform framework in which courts can fairly, efficiently, and promptly evaluate the merits of requests for default judgments while balancing the interests of all parties and the courts.

### **Uniform Health-Care Decisions Act (2023)**

This Act is intended to supersede the 1993 Uniform Health-Care Decisions Act. This Act enables individuals to appoint agents to make health care decisions for them should they be unable to make those decisions for themselves, provide their health-care professionals and agents with instructions about their values and priorities regarding their health care, and to indicate particular medical treatment they do or do not wish to receive. It also authorizes certain people to make health-care decisions for individuals incapable of making their own decisions but who have not appointed agents, thus avoiding the need to appoint a guardian or otherwise involve a court in most situations. In addition, it sets forth the related duties and powers of agents and healthcare professionals, and provides protection in the form of immunity to both under specified circumstances. This Act shares the goals of the 1993 Act but is revised to reflect changes in how health care is delivered, increases in non-traditional familial relationships and living arrangements, the proliferation of the use of electronic documents, the growing use of separate advance directives exclusively for mental health care, and other recent developments. The Act also seeks to improve upon the 1993 Act based on decades of experience and knowledge about how people make health-care decisions and about the challenges associated with creating and using advance directives.

### **Model Public-Health Emergency Authority Act**

This Act is designed to improve the preparedness of states for public health emergencies. Specifically, the Act clarifies the powers of a governor to declare a public health emergency and to issue orders in response to that emergency. Simultaneously, the Act establishes measures to promote a governor's accountability to the Legislature and to the public at large. The goal of the Act is to empower a governor to act quickly and decisively while also clarifying substantive and procedural limitations to a governor's authority. The Model Act also imposes a sunset provision on every public-health emergency declaration and public-health emergency order, and it requires a governor to make a new record as a condition of renewing declaration or an order.

### **Uniform Special Deposits Act**

A special deposit is an account at a bank that holds funds that may be paid upon the occurrence of one or more contingencies. Although such accounts are common, the legal protections afforded to them are uncertain and outdated in the context of modern banking. This uniform act minimizes these legal uncertainties by providing clear and executable rules. First, the Act sets forth several elements for when a deposit is considered a "special deposit." Second, the Act specifies that a special deposit is a debt owed to the beneficiary after determination of a stated contingency. Third, the Act clarifies that a special deposit is remote from a depositor's bankruptcy estate unless the depositor has a determined right to the special deposit in its capacity as a beneficiary. Finally, the Act reduces the vulnerability created by the prospect of the bank holding the special deposit exercising a right of set off against the special deposit for a mature debt of the depositor or a beneficiary. The Special Deposits Act gives banks and their customers legal certainty that the expectations of special deposit account users will be respected.

### **Uniform Unlawful Restrictions in Land Records Act**

This Act allows property owners whose deed contains a discriminatory, prohibited restriction to record an amendment to the land records that effectively removes the restriction. Under the Act, individuals who own property in a common interest community that is subject to a prohibited restriction are empowered to record an amendment to the governing instruments that removes the restriction, either by majority vote of the members of the association or by sending a request to the governing body. The Act creates a path forward for property owners who want to correct the record on the often painful history of their homes.

## **VIII. RECOMMENDATIONS FOR ENACTMENT 2024**

The Washington Commissioners have recommended that these Uniform Acts be considered in the 2024 legislative session:

### **Uniform Electronic Estate Planning Documents Act**

[SB 5787](#)

This Act expressly authorizes the use of electronic documents and electronic signatures for common estate planning documents.

### **Uniform Common Interest Ownership Act (2021 Amendments) and Uniform Unlawful Restrictions in Land Records Act**

[SB 5796](#)

The Uniform Common Interest Ownership Act governs the formation, management, and termination of common interest communities, including condominiums, homeowner associations, and real estate cooperatives. The 2021 amendments to the Act update it to address recent legal and technological developments.

The Uniform Unlawful Restrictions in Land Records Act allows homeowners to remove unlawful restrictive covenants from the deeds to their homes and allows the removal of unlawful restrictive covenants from the governing documents of condominiums and other homeowner associations.

### **Uniform Special Deposits Act**

[SB 5801](#)

A special deposit is a deposit of money at a bank where the person entitled to the money is only determined after a specific event or circumstance has occurred. Although such accounts are commonly used, the surrounding legal protections are far from certain. The Uniform Special Deposits Act minimizes these uncertainties and provides banks and their customers with clear, executable rules to ensure the expectations of special deposit account users will be respected.

### **Uniform Child Abduction Prevention Act**

[SHB 1121](#)

This Act provides courts with guidelines to follow during custody disputes and divorce proceedings in order to help them identify families at risk for abduction and prevent the abduction of children.

## **Uniform Telehealth Act**

### **[SSB 5481](#)**

This Act acknowledges that since the onset of the COVID-19 pandemic, practitioners and patients have increasingly turned to telehealth, the use of synchronous and asynchronous telecommunication technology to provide health care to a patient in a different physical location. The Act has two goals: (1) to make clear that as a general matter, a practitioner who is licensed or otherwise authorized to provide health care in a state in which a patient is located may provide care through telehealth, if doing so is consistent with the applicable professional practice standards and the practitioner's scope of practice as defined by the patient's state; and (2) to expand the circumstances under which qualified out-of-state practitioners are permitted to deliver telehealth services to patients located in the enacting state, including by implementing a registration system.

## **IX. ENACTMENT RECORD**

The Washington Legislature enacted the following Acts during the 2023 Legislative Session:

- SHB 1088, [Chapter 61, Laws of 2023](#). Uniform Family Law Arbitration Act.
- SHB 1165, [Chapter 65, Laws of 2023](#). Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act.
- SSB 5005, [Chapter 6, Laws of 2023](#). Uniform Partition of Heirs Property Act. Uniform Easement Relocation Act.
- SSB 5077, [Chapter 266, Laws of 2023](#). Uniform Commercial Code and Emerging Technologies.

According to the records of the ULC, Washington state has enacted 161 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 2024  
State Dues

| State                | Amount Billed | State             | Amount Billed |
|----------------------|---------------|-------------------|---------------|
| Alabama              | \$66,780      | Nevada            | \$39,845      |
| Alaska               | \$39,845      | New Hampshire     | \$39,845      |
| Arizona              | \$66,780      | New Jersey        | \$66,780      |
| Arkansas             | \$39,845      | New Mexico        | \$39,845      |
| California           | \$187,790     | New York          | \$187,790     |
| Colorado             | \$66,780      | North Carolina    | \$66,780      |
| Connecticut          | \$39,845      | North Dakota      | \$39,845      |
| Delaware             | \$39,845      | Ohio              | \$93,710      |
| District of Columbia | \$39,845      | Oklahoma          | \$39,845      |
| Florida              | \$133,875     | Oregon            | \$39,845      |
| Georgia              | \$66,780      | Pennsylvania      | \$93,710      |
| Hawaii               | \$39,845      | Puerto Rico       | \$32,760      |
| Idaho                | \$39,845      | Rhode Island      | \$39,845      |
| Illinois             | \$93,710      | South Carolina    | \$66,780      |
| Indiana              | \$66,780      | South Dakota      | \$39,845      |
| Iowa                 | \$39,845      | Tennessee         | \$66,780      |
| Kansas               | \$39,845      | Texas             | \$133,875     |
| Kentucky             | \$66,780      | US Virgin Islands | \$21,315      |
| Louisiana            | \$66,780      | Utah              | \$39,845      |
| Maine                | \$39,845      | Vermont           | \$39,845      |
| Maryland             | \$66,780      | Virginia          | \$66,780      |

|               |          |               |          |
|---------------|----------|---------------|----------|
|               |          |               |          |
| Massachusetts | \$66,780 | Washington    | \$66,780 |
| Michigan      | \$66,780 | West Virginia | \$39,845 |
| Minnesota     | \$66,780 | Wisconsin     | \$66,780 |
| Mississippi   | \$39,845 | Wyoming       | \$39,845 |
| Missouri      | \$66,780 |               |          |
| Montana       | \$39,845 |               |          |
| Nebraska      | \$39,845 |               |          |