

REPORT OF THE

**Virginia Commissioners
to the National Conference
of Commissioners on
Uniform State Laws**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 61

**COMMONWEALTH OF VIRGINIA
RICHMOND
2001**

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**Report of the
Virginia Commissioners to the
National Conference of Commissioners
on Uniform State Laws
to
The Governor and the General Assembly of Virginia
Richmond, Virginia**

January 1, 2000 - December 31, 2000

HISTORY OF THE CONFERENCE

In 1889, the New York Bar Association appointed a special committee on uniformity of laws. The following year the New York legislature authorized the appointment of commissioners

. . . to examine certain subjects of national importance that seem to show conflict among the laws of the several commonwealths, to ascertain the best means to effect an assimilation or uniformity of the laws of the states, and especially whether it would be advisable for the State of New York to invite the other states of the Union to send representatives to a convention to draft uniform laws to be submitted for approval and adoption by the several states.

In the same year, the American Bar Association passed a resolution recommending that each state provide for commissioners to confer with the commissioners of other states regarding legislation on certain issues. In August of 1892, the first National Conference of Commissioners on Uniform State Laws (ULC) convened in Saratoga, New York.

By 1912, every state was participating in the Conference. Since then, the Conference has steadily increased its contribution to state law and has attracted some of the most outstanding members of the legal profession. Prior to his more notable political prominence and service as president of the United States, Woodrow Wilson became a member in 1901. Supreme Court Justices Brandeis and Rutledge, current Chief Justice Rehnquist, and such legal scholars as Professors Wigmore, Williston, Pound and Bogart have all served as members of the Conference. This distinguished body has guaranteed that the products of the Uniform Law Conference are of the highest quality and are enormously influential upon the process of the law.

OPERATION OF THE CONFERENCE

The ULC convenes as a body once a year. The annual meeting lasts eight to 12 days and is usually held in late July or early August. Throughout the year drafting committees, composed of commissioners, work over several weekends on drafts of legislation to be considered at the annual meeting. The work of the drafting committees is read, line by line, and thoroughly debated at the annual meeting. Each act must be considered over a number of years; most are read and debated by the Conference two or more times. Those acts deemed by the ULC to be ready for consideration in the state legislatures are put to a vote of the states. Each state caucuses and votes as a unit.

The governing body of the ULC, the Executive Committee, is composed of the officers elected by vote of the commissioners, and five members who are appointed annually by the president of the ULC. Certain activities are conducted by 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 Conference to the state legislatures.

The ULC maintains relations with several sister organizations. Official liaison is maintained with the American Bar Association, which annually contributes to the operation of the Conference. The Conference also seeks grants from the federal government and from foundations for specific drafting efforts. The drafting effort on the Uniform Victims of Crime Act (1992) was aided by a federal grant, for example. The Conference will not take money from any source except on the understanding that its drafting work is autonomous. No source may dictate the contents of any act because of a financial contribution. Additionally, liaison is continually maintained with the American Law Institute, the Council of State Governments, and the National Conference of State Legislatures. Other associations are frequently contacted and advised of Conference activities as interests and activities necessitate.

At the national office in Chicago, a small staff provides administrative and clerical assistance to the ULC and the individual members, as well as advice and coordinating assistance in securing the passage of uniform acts. The staff includes a legislative director/legal counsel, a chief administrative officer, a communications officer, a public relations consultant and several administrative assistants. The position of executive director is part time and is traditionally occupied by a law school faculty member. In addition, the ULC contracts with "reporters" for professional services to aid in drafting. Reporters are engaged at very modest honoraria to work with drafting committees on specific acts. The Conference also employs professional independent contractors for work on part of its public information and educational materials. The Conference has an annual budget and audit report that are available on request.

Members of the ULC contribute numerous hours each year to drafting acts for Conference consideration. Although the members volunteer their time and effort, they are reimbursed for expenses. The cumulative value of the time donated by the commissioners for the development of uniform and model acts conservatively averages \$6 million annually.

The work of the ULC strengthens the state and federal system of government. In many areas of the law, the states must solve problems through cooperative action or the issues are likely to be preempted by Congress. The ULC is one of the few institutions that pursues solutions to problems on a cooperative basis by the states. Without the ULC, more legislative activities would undoubtedly shift from the state capitals to Washington, D. C.

VALUE FOR VIRGINIA AND THE STATES

The process of drafting a uniform act is lengthy and deliberate, yet immensely cost-efficient. A committee is appointed from the membership of the ULC. The American Bar Association is invited to appoint an advisor to each drafting committee. The by-laws of the ULC require at least two years for drafting and two readings of the draft at annual meetings of the ULC. Through this unique system--the only one like it in American political life--comprehensive legislation receives painstaking and balanced, non-partisan consideration.

The price tag for this process represents true value to the states. With 98 percent of the annual budget of the ULC coming from state government contributions, here is a look at some of the costs and benefits.

Let us assume that a drafting committee will meet twice a year and that a given act will receive about 16 hours of debate. The average committee meeting costs \$10,000. Four meetings over a two-year period will cost \$40,000. Sixteen hours of annual meeting debate translates into an additional \$66,000, figuring the amount budgeted for annual meeting expenses and hours devoted to a specific act. Based on these assumptions, the total cost to the states for a uniform act is \$106,000.

The states would have to come up with an additional \$1,014,000 to duplicate these same services on their own, estimating a \$250 hourly fee for professional services for a total cost of \$1,120,000. The main difference: Uniform Law Commissioners donate their professional services, spending hundreds of hours on uniform state laws as a public service because of their commitment to good law.

Of course, the hypothetical committee that meets twice a year over a period of two years is just that. The average revision of an article of the Uniform Commercial Code takes four years, with three to five committee meetings per year. The original

Uniform Probate Code took a full decade to develop and promulgate. The Uniform Adoption Act (1994) required five years, with extensive committee meetings. Each of these comprehensive projects cost much more from the actual budget of the ULC, and represents much larger contributions--in terms of time--from the ULC membership.

The hypothetical example does not consider still other benefits to the state. Major committees of the ULC draw extensive advisory and observer groups into the drafting process. Meetings of the Uniform Commercial Code committees regularly draw advisors and observers in a ratio of two or three to one commissioner. These advisor and observer groups represent various interests, provide outside expertise and facilitate dissemination of the act. It is impossible to place a dollar value on their input, which state funds do not pay.

It is also not possible to measure the worth of the intellectual participation by all who are involved. There is no process at either the state or federal level of the United States government today that compares to the uniform law process--intense, non-partisan scrutiny of both policy and execution of the law.

STATE APPROPRIATIONS

The ULC is a state service organization that depends upon state appropriations for its continued operation. All states, the District of Columbia, Puerto Rico, and the U. S. Virgin Islands are asked to contribute a specific amount, based on population, for the maintenance of the ULC. In addition, each state delegation requests an amount to cover its commissioners' travel expenses for the Conference annual meeting.

PROCESS FOR CREATION OF UNIFORM AND MODEL ACTS

The procedures for drafting an act are the result of long experience with the creation of legislation. The Scope and Program Committee, which consists solely of commissioners, considers subject areas of state law for potential uniform or model acts. The Committee reviews suggestions for uniform or model acts from many sources, including organized bar groups, state governments and private persons. The recommendations of the Scope and Program Committee go to the Executive Committee and to the entire ULC for approval.

Once a subject receives approval for drafting, a drafting committee is selected, and a budget is established for the committee work. A reporter is usually engaged, although a few committees work without professional assistance.

Advisors and participating observers are solicited to assist the drafting committee. The American Bar Association appoints official advisors for every committee. Other advisors may come from state government or organizations with interest and expertise in a subject, and from the ranks of recognized experts in a subject. They must donate their time to the effort if they wish to participate. Advisors and participating observers are invited to work with drafting committees and to contribute comments. They do not make final decisions with respect to the final contents of an act. Only the commissioners who compose the drafting committee may do this.

A committee meets according to the needs of the project. Meetings ordinarily begin on Friday morning and finish by Sunday noon, so as to minimize conflict with ordinary working hours. A short act may require one or two committee meetings. Major acts may require one meeting every month for a considerable period of time--several years, in some instances. A committee may produce a number of successive drafts as an act evolves.

At each annual meeting during its working life, the drafting committee must present its work to the whole body of the ULC. The most current draft is read and debated. This scrutiny continues from annual meeting to annual meeting until a draft satisfies the whole body of the commissioners. No act is promulgated without at least two years' consideration, meaning every act receives at least one interim reading at an annual meeting, and a final reading at a subsequent annual meeting. An act becomes official by a majority vote of the states. As mentioned earlier, each state commission caucuses to represent its state's position and each state receives one vote. The vote by states completes the drafting work, and the act is ready for consideration by the state legislatures.

ACTIVITIES OF THE VIRGINIA COMMISSIONERS

The Governor is authorized to appoint three members, each to serve a four-year term (§ 9-49, Code of Virginia). The three gubernatorial appointees are: Pamela Meade Sargent of Abingdon, Kenneth Lawrence Foran of Alexandria and Kimberly A. Taylor of Richmond.

In addition to the Governor's appointments, the Constitution of the Conference authorizes the appointment of life members upon recommendation of the Executive Committee. To be eligible for life membership, a commissioner must have served as president of the Conference or as a commissioner for at least 20 years. Virginia's life members are Brockenbrough Lamb, Jr., a member since 1953, and Carlyle C. Ring, Jr., a member since 1970 and president of the Conference from 1983 to 1985.

The Constitution of the Conference also grants membership as an associate member to the principal administrative officer of the state agency "charged by law with the duty of drafting legislation, or his designee." E. M. Miller, Jr., director of the Division of Legislative Services since 1989, is an associate member. Jessica D. French, senior attorney with the Division, was designated an associate member in July 1999.

The Virginia commissioners have served on the following committees during the past year:

Kenneth L. Foran - Member, Drafting Committee to Revise Uniform Health-Care Information Act.

Carlyle C. Ring, Jr. - Chairman, Committee on Uniform Commercial Code; Enactment Plan Coordinator, Drafting Committee to Revise Uniform Commercial Code Article 1; Chairman, Standby Committee on Uniform Computer Information Transactions Act; Chairman, Drafting Committee for Article 2B of the Uniform Commercial Code; Member, Permanent Editorial Board for Uniform Commercial Code; Member, Millennium Committee.

Pamela M. Sargent - Member, Standby Committee on Uniform Electronic Transactions Act.

Esson McKenzie Miller, Jr. - Member, Committee on Liaison with Legislative Drafting Agencies; Member, Legislative Committee, Committee on Parliamentary Practice.

ACTIVITIES OF THE 2000 VIRGINIA GENERAL ASSEMBLY

Based on recommendations made by the Virginia Commissioners in House Document No. 111, 2000, covering the period January 1, 1999, through December 31, 1999, the following actions were taken by the 2000 Virginia General Assembly:

Uniform Computer Information Transactions Act

Virginia was the first state in the nation to pass this act. Governor James Gilmore signed UCITA on March 14, 2000, at the Technology Conference of Virginia. The act was adopted by the ULC in 1999 and passed by the 2000 General Assembly as House Bill 561 (Patron: Delegate Joe T. May) and Senate Bill 372 (Patron: Senator Edward L. Schrock). The bills were identical. UCITA is modeled after the Uniform Commercial Code, Article 2, and is designed to govern transactions of computer information. The bill directed the Joint Commission on Technology and Science to study the impact of the UCITA on businesses in the state and report its findings to the Governor and General

Assembly by December 1, 2000. The Commission's report is Senate Document No. 24 (2001). It recommended a number of amendments to UCITA. UCITA will become effective July 1, 2001.

The Uniform Child Custody Jurisdiction and Enforcement Act

This act was adopted by the Conference in 1997 and was introduced by Senator William C. Mims during the 1998 Session as Senate Bill 413. The bill was assigned to the Juvenile Justice and Domestic Relations Subcommittee of the Senate Courts of Justice Committee and was carried over to the 1999 Session by the full committee by a vote of 13-0. After being carried over, Senate Bill 413 was not acted upon because Senator Mims made some modifications and reintroduced the act as Senate Bill 1087 at the 1999 Session of the General Assembly. The bill was assigned to the same subcommittee but no action was taken on the bill. The Virginia Bar Association Coalition Committee on Family Law Legislation has been reviewing the act and when Senator Mims introduced the bill during the 2000 General Assembly Session as Senate Bill 462 he again asked that it be carried over for further study.

Uniform Electronic Transactions Act

The 2000 Virginia General Assembly adopted the Uniform Electronic Transactions Act (UETA) as House Bill 499, patroned by Delegate Joe T. May. Under UETA, which became effective in Virginia on July 1, 2000, electronic transactions are not invalidated merely because they are in an electronic form instead of on paper. The bill provides rules and procedures for using electronic records and electronic signatures in both commercial and governmental transactions. UETA provides uniform rules and language used by several states. The bill repeals existing Virginia laws on electronic signatures and electronic filings but incorporates some of these existing provisions, such as the exemption for the court filings. The bill also makes technical amendments throughout the Code of Virginia to conform to the provisions of UETA. The bill is a recommendation of the Joint Commission on Technology and Science.

Uniform Statutory Rule Against Perpetuities

The 2000 Virginia General Assembly adopted the Uniform Statutory Rule Against Perpetuities as House Bill 789, patroned by Delegate R. Creigh Deeds. The bill creates a statutory rule against perpetuities that is uniform with what many other states have adopted. Under current law, a property interest is valid only if it vests within a life in being plus 21 years, which is the codification of the common law rule against perpetuities. Under the new uniform law, any interest that must vest within the period of the rule would remain valid, but any interest that might fail under the present rule would have 90 years to actually vest. After 90 years, if the interest has not vested, a court would reform it to create an interest that conforms to the donor's original intent.

Additionally, the uniform rule clarifies when the time period for the rule begins to run, which is a point of confusion and the subject of litigation under the common law rule. The bill became effective July 1, 2000.

Article 9 of the Uniform Commercial Code

The 2000 General Assembly passed House Bill 1204, patroned by Delegate Clifton A. Woodrum. The bill, which has an effective date of July 1, 2001, updates Article 9 (Secured Transactions) of the Uniform Commercial Code. Article 9 was last revised in 1972 and adopted in every state. Article 9 provides a statutory framework for transactions that involve the granting of credit secured by personal property. Filing will be with the State Corporation Commission only; local filing, other than fixture filings, will be abolished. The new Article 9 generally provides for the filing of a financing statement in the state where the debtor is incorporated. The scope of Article 9 is expanded to include kinds of property, such as deposit accounts, health care receivables and commercial tort claims, that were excluded in original Article 9. The location of the debtor rather than the location of the collateral will determine where a security interest perfects. The fee for filing a financing statement is increased from \$10 to \$20.

In November of 1999 the House Committee on Corporations, Insurance and Banking and the Senate Committee on Commerce and Labor received briefings regarding the revisions to Article 9 (Secured Transactions) of the Uniform Commercial Code as proposed by the ULC. John McCabe addressed the committees. The 1999 Virginia General Assembly had adopted House Joint Resolution 558, patroned by Delegate Harvey B. Morgan, requesting the Virginia Commissioners to the National Conference of Commissioners on Uniform State Laws to conduct briefings for the committees.

REPORT OF PROCEEDINGS OF THE 2000 ANNUAL CONFERENCE

The 2000 annual meeting was held July 23 to July 30, in St. Augustine, Florida. Commissioners Ring, Sargent, Foran, Taylor, Miller and French attended.

The following six uniform acts were approved at the annual meeting: The Uniform Arbitration Act, the Uniform Athlete Agents Act, the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act, the Uniform Money Services Act, the Uniform Parentage Act, and the Uniform Trust Code. Revisions to the Uniform Commercial Code were debated, but not completed. UCC Article 2, Sales, and UCC Article 2A, Leases, were both scheduled for final approval, but it was decided that these acts require more consideration before they are completed. In addition to the acts

discussed in this paragraph, the following uniform acts were considered by the Conference at its annual meeting:

- Revision of Uniform Arbitration Act
- Uniform Athlete Agents Act
- Uniform Interstate Enforcement of Domestic Violence Orders Act.
- Uniform Money Services Business Act
- Revision of Uniform Parentage Act
- Uniform Trust Code.

2000 ENACTMENTS BY ANNUAL CONFERENCE

SUMMARIES

Summaries of the six acts adopted by the Conference are as follows:

Uniform Arbitration Act

Also approved was a revision of the Uniform Arbitration Act (UAA) of 1955, the law in 49 jurisdictions. The primary purpose of the 2000 Uniform Arbitration Act (UAA) is to advance arbitration as a desirable alternative to litigation. A revision is necessary at this time in light of the ever-increasing use of arbitration and the developments of the law in this area.

The 1955 UAA was limited to such basic issues as enforcement of arbitration agreements, appointment of arbitrators, and review of arbitration awards. The 2000 UAA is a much more comprehensive statute: in addition to updating the basic coverage of the 1955 UAA, it addresses many issues that the 1955 UAA did not cover.

The 2000 UAA adds a provision that authorizes the consolidation of separate arbitration proceedings. The 2000 UAA gives courts the discretion to consolidate separate arbitration proceedings where common factual or legal issues create the possibility of conflicting rulings.

Under the 2000 UAA, the arbitrator must disclose to all parties of the arbitration agreement any facts likely to affect the impartiality of the arbitrator, such as financial or personal interest in the outcome of the arbitration, and existing or past relationships with any of the parties to the arbitration agreement. If an arbitrator fails to disclose such facts, an award may be vacated. This should provide reasonable assurance to the parties of the arbitrator's independence and neutrality.

Uniform Athlete Agents Act

The Uniform Athlete Agents Act is important new legislation that will govern the relationships among student athletes, athlete agents and educational institutions.

Today, many college athletes entering the professional ranks are offered huge multi-million dollar contracts. The majority of these athletes have agents who will negotiate those contracts. Most athlete agents provide valuable services that are greatly needed by student athletes. The services usually include negotiations with professional sports organizations and securing endorsement contracts.

However, frequent headlines report improper or illegal contacts between agents, or would-be agents, and athletes with remaining intercollegiate eligibility. The damage caused by improper and illegal enticements to student athletes is far greater than the casual observer might believe. The student athlete may lose eligibility and diminish his or her value in the professional sports market. The education institution may also lose post-season competition revenue and may be subjected to sanctions from the NCAA. Additionally, in some states, the athlete agent and student athlete may be subject to civil and criminal sanctions.

The Conference drafted the Uniform Athlete Agents Act to address this problem. The purpose of the Uniform Act is to protect the interests of student athletes and academic institutions by regulating the activities of athlete agents. To that end, the new act provides reciprocity of registration. It authorizes denial, suspension, or revocation of registrations based upon similar actions in another state; regulates the conduct of individuals who contact student athletes for the purpose of obtaining agency contracts; requires notice to educational institutions when an agency contract is signed by a student athlete; provides a civil remedy for an educational institution damaged by the conduct of an athlete agent or student athlete; and establishes civil and criminal penalties for violations of the Act.

Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act

The new Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act establishes a uniform and effective system for the enforcement of domestic-violence protection orders across state lines, as stipulated in an important provision of the 1994 Federal Violence Against Women Act (VAWA). Referred to as the full faith and credit provision, it directs states, Indian tribes and U. S. territories to honor "valid" protection orders issued by other jurisdictions and to treat those orders as if they were their own.

In recent years, some states have enacted their own enabling legislation, but these statutes vary greatly both in the method and the extent to which they will enforce foreign protection orders. The new uniform act should eliminate existing problems.

The new act has two purposes. It defines the meaning of full faith and credit in the context of the enforcement of domestic-violence protection orders. It also establishes uniform procedures for their effective interstate enforcement.

Under the uniform act, courts must enforce the terms of protection orders of other states as if they were their own, until the order expires, regardless of which state the victim has entered. Enforcing states must enforce all the terms of the order, even if that order provides relief that would be unavailable under the laws of the enforcing jurisdiction. Terms of orders that concern custody and visitation matters are enforceable, if issued for the purpose of protection; terms that concern support are not.

The uniform act, again filling a gap in VAWA, does not require registration of protection orders with the enforcing state, and jurisdictions cannot make registration a condition for full faith and credit. However, the act does include an optional registration process to make it as easy as possible for the protected individual to register the order and facilitate its enforcement.

Uniform Money Services Act

An act dealing with money laundering, the Uniform Money Services Act, was also approved. Among the goals of the new uniform act are the suppression of money laundering by requiring money services businesses (MSBs) to register with state regulators and adhere to safety and soundness requirements.

Increasingly, a wide range of financial services is available from companies other than traditional banks. These MSBs include money transmitters, currency exchanges, and check cashing companies. In the United States, there are currently more than 200,000 MSBs, which do not accept deposits like traditional banks or financial institutions. Until now, MSBs have been covered by a patchwork of varying regulations in about half of the states. The lack of a uniform law has given rise to problems ranging from money laundering to novel issues involving stored value cards and cybercash over the Internet.

The Uniform Money Services Act requires MSBs to obtain a state license to do business. Safety and soundness measures such as annual examinations, surety bonds, and permissible investments are also included in the new legislation. The uniform law's most stringent requirements are reserved for money transmitters, such as wire transfer services, who hold the public's money rather than make immediate payments, as do check cashers and currency exchangers.

Uniform Parentage Act

A substantial revision of the Uniform Parentage Act (UPA) was also approved. The UPA of 1973 was a landmark act, which abolished all legal distinctions between legitimate and illegitimate children, and provided a comprehensive civil action for determination of paternity. The new Uniform Parentage Act (2000) is procedurally simpler and more streamlined than the original act. The reliability of genetic testing for identifying the biological father made it possible to simplify paternity actions.

The new act updates many sections from the 1973 act, including a much more comprehensive section on genetic testing, but also has many new provisions. For example, a new section is included in the revision, which deals with voluntary acknowledgment of paternity. This is included in an effort to encourage states to adopt nonjudicial means to achieve early determination of paternity.

There is also a new section on establishment of a paternity registry. This allows fathers of children born out of wedlock to register if they wish to be notified of any termination of parental rights or adoption proceedings.

The new Uniform Parentage Act provides workable and sound rules for determining the parentage of a child. The primary focus remains on protecting the child, who has no voice in often complex circumstances giving rise to the child's birth.

Uniform Trust Code

A new Uniform Trust Code is the first attempt at the national level to provide states with a comprehensive model for codifying their law on trusts.

The use of trusts, both in family estate planning and commercial transactions, has increased dramatically in recent years. This has resulted in a corresponding rise in the number of day-to-day questions involving trusts, and the recognition that statutory trust law in many states is inadequately developed. States, which enact the UTC, will be able to specify their rules on trusts with precision, and will provide individuals with a readily available source for determining their state's law on trusts.

Many individuals today use the revocable trust as their primary estate planning document. The UTC, unlike the existing statute of any state, has a separate article on revocable trusts. The UTC in general treats a revocable trust as the functional equivalent of a will, but without the procedural formalities and court supervision involved in probate. The UTC specifies a standard of capacity for the creation of a revocable trust, presumes that a trust is revocable unless its terms provide otherwise, provides a method for revoking or amending the trust, includes a statute of limitations

on a contest following the death of the settlor, and contains an optional provision that extends the enacting jurisdiction's rules on construction of wills to revocable trusts.

The UTC is a default act. With only limited exceptions, a settlor may spell out in the trust's terms how the trust is to be administered and distributed. The exceptions include the requirements for creating a trust and the rights of certain of a beneficiary's creditors, such as a child support claimant, to reach the beneficiary's interest in payment of a claim.

But for those settlors who have failed to provide specific terms, the UTC contains a comprehensive set of rules. The UTC contains provisions on the creation of trusts, their day-to-day administration, and their modification and termination. Included are such matters as the procedure for transferring administration to another state; the appointment, resignation, removal and compensation of a trustee; and the duties and management powers of a trustee.

RECOMMENDATIONS FOR ENACTMENT

The following uniform acts, which have been approved by the Conference, make significant contributions to important subjects. The Virginia commissioners strongly recommend these acts for consideration and adoption by the 2001 General Assembly:

- Revisions to the Uniform Computer Information Transactions Act
- Uniform Child Custody Jurisdiction and Enforcement Act (1997)
- Revisions to Revised Article 9 of the Uniform Commercial Code - Secured Transactions.

CURRENT DRAFTING PROJECTS

There are currently 15 ULC drafting committees working on new and revised uniform acts. In addition, eight study committees are considering subjects for possible future drafting.

CURRENT DRAFTING COMMITTEES

Drafting Committee on Apportionment of Tort Liability. This committee will set out rules to allocate financial responsibility among multiple parties liable to others for negligent or willful misconduct and among themselves.

Drafting Committee to Revise Uniform Commercial Code Article 1, General Provisions. This committee will revise Article 1 to complete the current cycle of revisions of the Uniform Commercial Code, begun with Article 2A in 1987. It is also reviewing all articles of the Uniform Commercial Code to harmonize terminology and common concepts.

Drafting Committee to Revise Uniform Commercial Code Article 2, Sales, and Article 2A, Leases. This committee is revising both Articles 2 and 2A of the Uniform Commercial Code to modernize these articles and keep them responsive to contemporary commercial realities.

Drafting Committee on Uniform Consumer Leases Act. This committee is drafting rules governing personal property lease transactions in which the lessee is a consumer.

Drafting Committee to Revise Uniform Health-Care Information Act. This committee will update and revise the Uniform Health-Care Information Act, originally promulgated in 1985. The committee will address the issues of privacy and patients' rights to access medical records.

Drafting Committee to Revise Uniform Limited Partnership Act. This committee will revise the Uniform Limited Partnership Act in light of developments in unincorporated organization law since this Act was last amended in 1985.

Drafting Committee on Uniform Mediation Act. This committee is considering legal rules relating to mediation.

Drafting Committee on Uniform Money Services Business Act. This committee will consider legal rules governing certain entities that provide financial services but are not banks or other forms of depository institutions. Included are rules preventing the use of such entities for masking the exchange of illegal proceeds of criminal activity.

Drafting Committee to Revise Uniform Parentage Act. The Uniform Parentage Act, promulgated in 1969, will be updated to reflect new evidentiary techniques for determining paternity.

Drafting Committee to Revise Uniform Securities Act. This committee will consider revisions of earlier Uniform Securities Acts.

Drafting Committee to Revise Uniform Estate Tax Apportionment Act and Section 3-916 of the Uniform Probate Code. This drafting committee will revise Section 3-916 of the Uniform Probate Code and the comparable provision in the

Uniform Estate Tax Apportionment Act in light of judicial decisions interpreting the Section and subsequent federal and state legislation.

Study Committees:

Study Committee on Certificate of Title Laws
Study Committee on Electronic Payment Systems
Study Committee on Uniform Conflict of Laws-Limitations Act
Study Committee on Uniform Management of Institutional Funds Act
Study Committee on Internet Private Law
Study Committee on Misuse of Genetic Information
Study Committee on Recognition of Foreign Judgments
Study Committee on Tort Reform

**REQUEST FOR TOPICS APPROPRIATE
FOR CONSIDERATION AS UNIFORM ACTS**

The Virginia Commissioners welcome suggestions from the Governor, the General Assembly, the Attorney General, the organized bar, state governmental entities, private interest groups and private citizens on ideas for new uniform or model acts. Appropriate topics are those where (i) uniformity in the law among the states will produce significant benefits to the public and (ii) it is anticipated that a majority of the states would adopt such an act.

Respectfully submitted,

Brockenbrough Lamb, Jr.
Carlyle C. Ring, Jr.
Kenneth Lawrence Foran
Pamela Meade Sargent
Kimberly A. Taylor
E. M. Miller, Jr.
Jessica D. French

