

**REPORT OF THE**

**VIRGINIA COMMISSIONERS  
TO THE NATIONAL CONFERENCE  
OF COMMISSIONERS ON  
UNIFORM STATE LAWS**

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



**REPORT DOCUMENT NO. 137**

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**Up to date information is available on the website of the National  
Conference of Commissioners on Uniform State Laws  
[www.uniformlaws.org/](http://www.uniformlaws.org/)**

**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, 2011 - December 31, 2011**

**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 (Conference or NCCUSL) convened in Saratoga Springs, 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. Former Supreme Court Justices Brandeis, Souter, and Rutledge, and former 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 Conference are of the highest quality and are enormously influential upon the process of the law.

The Conference, also known as the Uniform Law Commission (ULC), began more than 100 years ago because of the interests of state governments in improvement of the law and interstate relationships. Its purposes remain to serve state governments and improve state law.

## **OPERATION OF THE CONFERENCE**

The ULC convenes as a body once a year. 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 officers elected by vote of the commissioners, ex-officio members, and 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 provides advisors to all ULC drafting committees and many ULC study committees. Additionally, liaison is continually maintained with the American Law Institute, the Council of State Governments, the National Conference of State Legislatures, the Conference of Chief Justices, and the National Center for State Courts. Other organizations 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 ULC contracts with "reporters" for professional services to aid in drafting. Reporters are engaged at modest honoraria to work with drafting committees

on specific acts. The annual budget and audit report of the Conference are available on request.

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 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. 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 bylaws of the ULC require at least two years for drafting and two readings of the draft at annual meetings of the ULC.

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. The cumulative value of this donated time in the development of uniform and model acts averages between \$1 and \$2 million per project.

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. Each of these comprehensive projects cost much more than the actual budget of the ULC, and represents much larger contributions--in terms of time--from the ULC membership.

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, nonpartisan 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's annual meeting. The total requested contribution of all the states to the operation of the ULC is \$2,497,900 in fiscal year 2012. The smallest state contribution is \$25,700 and the largest is \$150,000. Virginia's dues for FY 2012 are \$53,500. The annual budget of the ULC for FY 2012 is \$2,969,473. Of this amount, \$519,523 goes directly to drafting uniform and model acts, and includes travel expenses for drafting committee meetings, printing and publication costs, and editing and personnel costs. The research process, which includes the work of study committees and the ULC Committee on Scope and Program, is \$134,597. In addition, \$676,392 is spent in assisting state legislatures with bills based on uniform and model acts. This amount includes salaries and travel expenses. About \$344,256 is spent on the annual meeting. Public education for uniform and model acts costs about \$250,867 and includes contractual services, materials costs and travel expenses. The remainder of the budget pays general administrative costs, governance costs, and occupancy expenses.

## **OTHER FINANCIAL CONTRIBUTORS**

Grants from foundations and the federal government are occasionally sought for specific educational and drafting efforts.

The Uniform Commercial Code (UCC) is a joint venture between the ULC and the American Law Institute (ALI). The ALI holds Falk Foundation funds that are allocated to work on the UCC. The original Falk Foundation grant came in the late 1940s for the original development of the UCC. Proceeds from copyright licensing of UCC materials provide revenue to replenish the Falk Foundation corpus. At any time work on the UCC commences, a percentage of ULC and ALI costs are paid from the Falk Foundation income.

In addition, the Commission has established royalty agreements with major legal publishers, which reprint the ULC's uniform and model acts in their publications.

The Conference will not take money from any source except on the understanding that its drafting work is completely autonomous.

## **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 new 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. If a subject area cannot be adequately studied by Scope and Program Committee, it is likely to be given to a special study committee. Study committees report back to the Scope and Program Committee. The recommendations of the Scope and Program Committee go to the ULC Executive Committee.

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. Participating observers may come from state government or organizations with interest and expertise in a subject, and from the ranks of recognized experts in a subject. 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. A short act may require one or two committee meetings. Major acts may require many more meetings 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. There is often more than one interim reading and a drafting process that exceeds two years in duration. An act becomes official by a majority vote of the states (one vote to each state). The vote by states completes the drafting work, and the act is ready for consideration by the state legislatures.

The cost of this process to the states is in travel expenses, paper and publication costs, and meeting costs. Nearly all the services are donated, thereby eliminating the single greatest cost factor.

### **THE IMPORTANCE OF VIRGINIA'S CONTRIBUTION**

Virginia's participation, both in terms of appointing uniform law commissioners and contributing funds, is essential. Virginia benefits from the excellent body of law created for its consideration. The Conference, and all the states, benefit from having Virginia's direct contribution to the work of ULC.

### **ACTIVITIES OF THE VIRGINIA COMMISSIONERS**

The Governor is authorized to appoint three members, each to serve a four-year term (§ 30-196, Code of Virginia). Thomas Edmonds of Richmond is a gubernatorial appointee.

In addition to the Governor's appointments, the Constitution of the Conference authorizes the appointment of life members upon recommendation of the Executive Committee. Virginia's life members are Ellen F. Dyke, of Vienna, H. Lane Kneedler, of Charlottesville, Brockenbrough Lamb, Jr., of Richmond, Esson McKenzie Miller, Jr., of Richmond, and Carlyle C. Ring, Jr., of Alexandria.

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. Robert L. Tavenner, who became Director of the Division of Legislative Services in July 2011, became a member at that time. Jessica D. French, senior attorney with the Division, has been designated an associate member.



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

Carlyle C. Ring, Jr. — Chair, Committee on Uniform Commercial Code; Chair, Executive Subcommittee of the Permanent Editorial Board for Uniform Commercial Code; Member, Permanent Editorial Board for Uniform Commercial Code; Member, Committee on Federalism and State Law; Liaison Member, Uniform Law Foundation Trustees; and Member, Drafting Committee on Residential Real Estate Mortgage Foreclosure Process and Protections.

Ellen F. Dyke — Member, Drafting Committee on Manufactured Housing Act.

Thomas Edmonds — Member, Committee on Liaison with the American Bar Association; and Member, Study Committee on Appointment and Powers of Real Estate Receivers.

H. Lane Kneedler — Chair, Committee to Review the ULC Drafting Process; Member, Legislative Council (Atlantic Region); Member, Standby Committee on State Administrative Procedure Act; and Member, Drafting Committee on Prevention of and Remedies for Human Trafficking.

Esson McKenzie Miller, Jr. — Chair, Drafting Committee on a Uniform Certificate of Title Act for Vessels; Member, Standby Committee on Uniform Certificate of Title for Vessels Act; Member, Committee of Legislative Attorneys, and Member, Drafting Committee on Prevention of and Remedies for Human Trafficking.

Jessica D. French — Vice-chair, Committee of Legislative Attorneys.

## **ACTIVITIES OF THE 2011 VIRGINIA GENERAL ASSEMBLY**

Based on recommendations made by the Virginia Commissioners in Report Document No. 107, 2011, covering the period January 1, 2010, through December 31, 2010, and other initiatives, the following actions regarding uniform laws were taken by the 2011 Virginia General Assembly.

**Uniform Law-Related Bills Passed by the  
2011 General Assembly Session and Signed by the Governor**

**UCC Repeal Article 6A of the Uniform Commercial Code-Bulk Sales**

**HB 2206; Delegate Comstock;** Repealed Title 8.6A of the Code of Virginia, which is considered obsolete. Prior to being repealed in Virginia, it was repealed in 45 states. The National Conference of Commissioners on Uniform State Laws states that there is no evidence that fraudulent bulk sales occur frequently enough or engender credit losses significant enough to require regulation of all bulk sales.

**Uniform Adult Guardianship and  
Protective Proceedings Jurisdiction Act**

**SB 750; Senator Howell;** Establishes a mechanism for resolving multistate jurisdictional disputes regarding adult guardianships and conservatorships. Procedures are provided for determining which jurisdiction is the "home state" having primary jurisdiction, transferring a guardianship or conservatorship to another state, registering orders, and addressing emergency situations. Prior to adoption in Virginia, the Act was adopted in 19 states and the District of Columbia.

**REPORT OF PROCEEDINGS OF THE 2011  
ANNUAL MEETING**

The 2011 annual meeting of the Conference was held July 7 - July 13, in Vail, Colorado. Commissioners Dyke, Edmonds, French, Kneedler, Miller, and Ring attended.

The following uniform acts or amendments to uniform acts were approved at the annual meeting:

- *Uniform Electronic Legal Material Act*
- *Uniform Certificate of Title for Vessels Act*
- *Harmonized Uniform Business Organizations Code*
- *Model Protection of Charitable Assets Act*
- *Amendments to the Uniform Debt-Management Services Act*

In addition to the approved acts listed above, the following uniform acts or amendments to them, and reports were considered by the Conference at its annual meeting:

- *Committee on International Legal Developments*
- *Uniform International Choice of Court Agreements Act*
- *Asset Freezing Orders Act*
- *Premarital and Marital Agreements Act*
- *Deployed Parents Visitation and Custody Act*
- *Manufactured Housing Act*

## 2011 ADOPTIONS BY CONFERENCE

### SUMMARIES

Summaries of the acts adopted or amended by the Conference are as follows:

#### **Uniform Electronic Legal Material Act**

The Uniform Electronic Legal Material Act (UELMA) addresses many of the concerns posed by the publication of state primary legal material online. UELMA provides a technology-neutral, outcomes-based approach to ensuring that online state legal material deemed official will be preserved and will be permanently available to the public in unaltered form. It furthers state policies of accountability and transparency in providing legal information to the public.

The Act applies to electronic legal material that has been designated official. Four categories of basic state legal material are specifically named in the Act, including the state constitution, state session laws, codified laws, and agency regulations which have the effect of law. The state has discretion to include any other publications it desires.

The Act requires that official electronic legal material be:

1. *Authenticated*, by providing a method to determine that it is unaltered;
2. *Preserved*, either in electronic or print form; and
3. *Accessible*, for use by the public on a permanent basis.

The UELMA does not require specific technologies, leaving the choice of technology for authentication and preservation up to the states. The UELMA is intended to be complementary to the Uniform Commercial Code (UCC, which covers sales and many commercial transactions), the Uniform Real Property Electronic Recording Act (URPERA, which provides for electronic recording of real property instruments), and the Uniform Electronic Transactions Act (UETA, which deals with electronic commerce).

### **Uniform Certificate of Title for Vessels Act**

The Uniform Certificate of Title for Vessels Act (UCOTVA) regulates the titling of boats and other vessels that are principally used on an adopting state's waters and that are at least 16 feet in length, as well as all vessels propelled by an engine of at least ten horsepower.

The UCOTVA removes or avoids ambiguities found in many state titling laws regarding the effect of the title, the consequence of a failure to title, or the effect of errors on the title, thereby facilitating transfers of ownership of a vessel.

The UCOTVA deters and impedes the theft of vessels by making information about the ownership of vessels available to both government officials and those interested in acquiring an interest in a vessel.

The UCOTVA accommodates existing financing arrangements for vessels and provides certain consumer protections when purchasing a vessel through the Act's branding initiative. Additionally, the UCOTAV integrates seamlessly with the Uniform Commercial Code.

### **Harmonized Uniform Business Organizations Code**

The Harmonized Uniform Business Organizations Code harmonizes the numerous uniform business entity acts. The primary purposes of the new Code are: (1) to harmonize the language of all of the unincorporated entity laws, and (2) to revise the language of each of those acts in a manner that permits their integration into a single Code of entity laws. States that choose to adopt this new Code will also have the option of including all of their corporation and non-profit corporation acts within the Uniform Code.

The harmonization process involved the revision of the following acts:

1. Model Entity Transactions Act
2. Model Registered Agents Act
3. Uniform Partnership Act (1997)

4. Uniform Limited Partnership Act (2001)
5. Uniform Limited Liability Company Act (2006)
6. Uniform Statutory Trust Entity Act
7. Uniform Limited Cooperative Association Act
8. Uniform Unincorporated Nonprofit Association Act (2008)

The harmonized version of each of these acts will remain available as stand-alone acts, and can be adopted as such in the states. States can also choose to adopt the entire Business Organization Code as a single Code, or, in states that have adopted one or more of these acts, those states can simply amend the already-enacted acts to harmonize with the others.

### **Model Protection of Charitable Assets Act**

The Model Protection of Charitable Assets Act (MPOCAA) was drafted to clarify and harmonize the role of states' Attorneys General in charitable regulation, and to enhance their ability to effectively track and oversee charitable institutions. It builds upon the older, 1954 Uniform Supervision of Trustees for Charitable Purposes Act, and takes into account the "best practices" in modern charitable regulation from around the country.

MPOCAA was drafted as a model law, as opposed to a uniform law, with the intent that all or parts of the Act would be useful to the widest variety of states. As a whole, it provides a minimalist structure for those states without significant existing provisions and regulatory regimes, but components of the Act will still enhance the existing laws of those states that do. While uniformity is desirable, adoption by all the states of at least portions of this framework should enhance further cooperation between the state regulators, to the benefit of the public, to those charities operating exclusively within a particular state, and those that operate in multiple jurisdictions.

### **Amendments to the Uniform Debt-Management Services Act**

In 1995 the FTC promulgated the Telemarketing Sales Rule, as directed by the Telemarketing and Consumer Fraud and Abuse Prevention Act, to prevent deceptive and abusive telemarketing practices. It applies to outbound telemarketing phone calls, i.e. calls made by telemarketers to consumers. In 2010 the FTC amended the Rule to extend its reach to inbound phone calls, i.e. calls made by consumers to merchants, typically in response to TV or radio ads. In addition to subjecting these calls to the existing requirements of the Telemarketing Sales Rule, the amendment also created several new requirements applicable to providers of debt-management services. The two most notable of these requirements are a prohibition against receiving any compensation before the consumer has received a modification of debt and a

specification of the circumstances in which a credit-counseling agency or a debt-settlement company may request or require a consumer to place funds in a bank account under the control of a person other than the consumer.

To avoid any inconsistency between the Uniform Debt-Management Act and the newly revised federal law, the ULC approved changes in the provisions that address the timing of collection of fees and the use of powers of attorney. Several other changes were made throughout the Act, to clarify the disclosure and reporting requirements and to address circumstances that have changed since 2005. Among these changes is a provision addressing the conduct of lead generators.

As promulgated in 2005, the Uniform Act presented enacting states with the decision whether to limit the business of providing credit-counseling services, debt-settlement services, or both, to not-for-profit entities. Every state that enacted the Act between 2005 and 2010 decided to permit for-profit entities to provide both kinds of services. Similarly, several states with law other than the Uniform Act modified their statutes to eliminate provisions barring for-profit entities from providing debt-management services. Reflecting these developments, the Act was revised to adopt the position that the business of providing debt-management services should be open to both for-profit and not-for-profit entities. Removal of the option to restrict the business to not-for-profit entities simplifies the Act, which no longer needs the several lengthy legislative notes formerly used to guide states through implementation of the decision whether to permit for-profit entities to provide debt-management services.

## RECOMMENDATIONS FOR ENACTMENT

The following uniform acts, which have been approved by the Conference, make significant contributions to important subjects. The Virginia Commissioners recommend these acts for consideration and adoption by the 2012 General Assembly:

**Amendments to Article 9 of the Uniform Commercial Code.** The amendments proposed to be adopted in Virginia are amendments adopted by the Uniform Law Commission in 2010. The Uniform Commercial Code (UCC) Article 9 governs secured transactions in personal property. UCC9 was substantially revised by the Uniform Law Commission in 1998 and adopted in all states. The 2010 Amendments to UCC9 adopted by the Uniform Law Commission modify the existing statute to respond to filing issues and address other matters that have arisen in practice following a decade of experience with the 1998 version of UCC9. Of most importance, the 2010 Amendments

provide greater guidance as to the name of an individual debtor to be provided on a financing statement.

**Real Property Transfer on Death Act.** Allows an owner of real property to pass the property simply and directly to a beneficiary on the owner's death without probate. The property passes by means of a recorded transfer on a death (TOD) deed. Senate Joint Resolution 349 (patroned by Senator Emmet Hanger during the 2011 Virginia General Assembly Session) requested the Virginia Bar Association to study the merits of legislation authorizing transfer on death deeds. Although the resolution was left in the House Rules Committee, the Virginia Bar Association studied the issue.

**Uniform Military and Overseas Voters Act.** This Act will simplify the process of absentee voting for United States military and overseas civilians by making the process more uniform, convenient, secure and efficient. The Act covers all military personnel or their dependents, as well as U.S. citizens residing outside the United States who are unable to vote in-person. This latter category includes a class of voters not covered by the federal law in this area: U.S. citizens born overseas who have reached voting age without having resided in the United States. The Act applies to all statewide and local elections, as well as to all federal elections, both primary and general (and also special and run-off elections).

## **CURRENT DRAFTING PROJECTS**

There are currently 9 ULC drafting committees working on new and revised uniform acts. In addition, 10 study committees are considering subjects for possible future drafting.

### **Current Drafting Committees**

**Drafting Committee on the Uniform Choice of Court Agreements Convention Implementation Act.** This drafting committee, at the request of the U.S. State Department, will draft uniform state legislation and appropriate declarations and understandings to assist in the implementation and ratification of the Hague Convention on Choice of Court Agreements. The committee has presented drafts for consideration at the 2009, 2010, and 2011 Annual Meetings and has worked closely with representatives of the State Department and others to harmonize the draft of uniform state legislation and the draft of federal implementing legislation.

**Drafting Committee on a Premarital and Marital Agreements Act.** This committee will draft an act that provides standards and procedural requirements concerning the scope and enforceability of marital and premarital agreements between persons in legally recognized relationships. This project was jointly recommended by the Joint Editorial Boards on Family Law and Trusts and Estates Law. The committee presented a draft for consideration at the 2011 Annual Meeting and it is expected that a draft for final approval will be presented at the 2012 Annual Meeting.

**Drafting Committee on a Manufactured Housing Act.** The uncertainty about whether a manufactured home is characterized as “personal” or “real” property creates significant impediments to the financing of manufactured homes, particularly upon resale or attempts to refinance, and also makes it difficult to securitize debt secured by manufactured homes. This committee will draft an act on manufactured housing that will alleviate those problems and address at least the following issues: the appropriate characterization of manufactured housing as either personal property or real property, including in particular the point in time at which an interest in manufactured housing converts from a personal property interest to a real property interest; whether the fact that manufactured housing is located on leased land affects that characterization; the continued priority and appropriate characterization of security interests in manufactured housing after conversion; and appropriate transition provisions. The committee presented a draft for consideration at the 2011 Annual Meeting and it is expected that a draft for final approval will be presented at the 2012 Annual Meeting.

**Drafting Committee on a Deployed Parents Visitation and Custody Act.** This committee will prepare an act that provides standards and procedures for resolving visitation and custody issues affecting military personnel and their families, which may include resolution of matters in intrastate, interstate, and international contexts. The committee presented a draft for consideration at the 2011 Annual Meeting, and it is expected that a draft for final approval will be presented at the 2012 Annual Meeting.

**Drafting Committee on an Asset Freezing Orders Act.** This committee will prepare an act that provides authority for the granting of *in personam* orders that prevent a defendant in an action pending in one jurisdiction from dissipating assets that the defendant holds in another jurisdiction and that are necessary to ensure that assets are available to ensure payment of a judgment granted in the other jurisdiction. The committee will, among other matters, consider provisions that should be included in the Act to provide appropriate protection for the interests of defendants in such actions. The Act will exclude coverage of asset freezing



orders against consumer debtors or in domestic relations matters, and other similar matters. The committee presented a draft for consideration at the 2011 Annual Meeting and it is expected that a draft for final approval will be presented at the 2012 Annual Meeting.

**Drafting Committee on Implementation of Hague Convention on Protection of Children.** This committee will draft uniform state legislation that will implement the recognition and enforcement provisions of the Hague Convention on the Protection of Children. The committee had its first in-person meeting in the fall of 2011 and will present an initial draft for consideration at the 2012 Annual Meeting.

**Drafting Committee on a Powers of Appointment Act.** This committee will draft an act on powers of appointment. This project was recommended by the Joint Editorial Board on Uniform Trust and Estate Acts. The JEB noted that, as the use of long-term trusts increases, there has been a significant increase in the use of powers of appointment, but that there is a dearth of statutory and case law on powers of appointment. The provisions of the Restatement (Third) of Property on powers of appointment, which were approved by the ALI in 2006, provide a useful basis for the committee's work. The committee had its first in-person meeting in the fall of 2011 and is expected to present a draft for initial consideration at the 2012 Annual Meeting.

**Drafting Committee on an Act on the Prevention of and Remedies for Human Trafficking.** This committee will draft legislation concerning the prevention of and remedies for human trafficking. The scope of the project is specifically focused on (a) human trafficking for sexual purposes, in which a sex act is induced by force, fraud or coercion, or in which the person induced to perform a sex act has not attained the age of majority, and (b) human trafficking in which force, fraud or coercion is used to obtain the labor or services of an individual under circumstances that amount to involuntary servitude. The committee had its first in-person meeting in the fall of 2011, will present a draft act for a first reading in July 2012, and expects to present an act for final approval in July 2013.

**Drafting Committee on a Revision of the Uniform Residential Landlord and Tenant Act.** This committee will prepare revisions of the Uniform Residential Landlord and Tenant Act (1972). The 1972 Act has been adopted in 21 states and has influenced statutory developments in many other states. Since 1972, however, there have been many new statutory and common law developments that affect residential landlord and tenant law, and the committee will seek to codify best current practices in a revised act. This project was recommended by the Joint Editorial Board on Uniform Real

Property Acts. This committee is expected to present an initial draft for consideration at the 2013 Annual Meeting.

### **Study Committees**

Study Committee on Model Tribal Legislation on Probate Transfer of Interests in Real Property  
Study Committee on an Act to Implement the Consular Notification Requirements of Article 36 of the Vienna Convention on Consular Relations  
Study Committee on Appointment and Powers of Real Estate Receivers  
Study Committee on Choice of Law for Fraudulent Transfers  
Study Committee on an Eyewitness Identification Procedures Act  
Joint Study Committee on Inter-Jurisdictional Recognition of Life Planning Documents  
Study Committee on Mortgage Foreclosures  
Study Committee on Regulation of Lawsuit Loans  
Study Committee on a Relocation of Easements Act  
Study Committee on Series of Unincorporated Business Entities

### **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,

Carlyle C. Ring, Jr., Chairman  
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