



OVERVIEW

- Six uniform acts were adopted by the Uniform Law Commission (the “ULC”) at its 127th Annual Meeting held this past July in Louisville, Kentucky
- Additional proposed acts are proceeding through the drafting stage for possible adoption at the 2019 Annual Meeting next summer in Anchorage, Alaska
- In addition, new ULC Drafting Committees are being formed to draft proposed acts that would be submitted to the ULC for initial read in 2019 and final adoption in 2020
- Anyone interested is encouraged to comment on drafts as they are circulated – especially those being considered in the newly formed Drafting Committees; go to the ULC website – www.uniformlaws.org – and click on “Find a Committee” under the “Committees” tab on the home page to find a Drafting Committee; once on the Drafting Committee’s page, sign up to follow the Committee
- Acts as they are approved at Annual Meetings may also be found on the ULC website

UNIFORM CRIMINAL RECORDS ACCURACY ACT

- **Designed to improve the accuracy of criminal history records**
- **Imposes duties on law enforcement agencies and courts that collect, store and use the records to insure accuracy of the information**
- **Highlights:**
 - Requires the collection of biometric information (fingerprints, etc.) when permitted or required by other law for identification purposes
 - Requires prosecutors and courts to report the disposition of an arrest – not charged, charges dismissed, etc. – to the central repository
 - Requires correction of the record when errors are discovered
 - Allows the subject of the record to obtain a copy and seek and obtain correction of errors
 - Creates a mistaken identity registry for individuals who may have similar names as individuals with criminal records

UNIFORM CIVIL REMEDIES FOR UNAUTHORIZED DISCLOSURE OF INTIMATE IMAGES ACT

- **Creates a cause of action for the unauthorized disclosure of an intimate image – defined as a photograph, film, video recording or other similar medium that shows (a) the uncovered genitals, pubic area, anus or female post-pubescent nipple of an individual; or (b) the individual engaging in or being subject to sexual conduct**
- **Includes only an intentional disclosure or a threat to disclose without the depicted individual's consent**
- **Liability is limited to the acts of an individual who new or acted with reckless disregard for whether:**
 - The depicted individual did not consent to the disclosure;
 - The intimate image was private; and
 - The depicted individual was identifiable

INTIMATE IMAGES (CONT'D)

- **An image is private if it was:**
 - Created or obtained under circumstances in which a depicted individual had a reasonable expectation of privacy; or
 - Made accessible through theft, bribery, extortion, fraud, false pretenses, voyeurism, or exceeding authorized access to property or to an account, message, file, device or resource
- **Includes exceptions for disclosures made in good faith and for disclosure for law enforcement purposes, in legal proceedings, or for medical education or treatment**
- **Prevailing plaintiff may recover actual, statutory and punitive damages as well as attorneys' fees**
- **Pennsylvania allows a civil cause of action for "unlawful dissemination of intimate image" but it is based on the crime of the same name and is limited to conduct perpetrated on a current or former sexual or intimate partner; the ULC act does not have this limitation**

UNIFORM FIDUCIARY INCOME AND PRINCIPAL ACT

- **Updates the Uniform Principal and Income Act first approved by the ULC in 1931 and revised twice in 1962 and 1997. Pennsylvania has a version in Chapter 81 of Title 20**
- **Provides flexible and innovative unitrust provisions that improve upon current state laws**
- **To help prevent multi-state disputes, the act provides a new default rule on governing law – that is, the law of the situs of the trust will apply unless the terms of the trust specify otherwise**

AMENDMENT TO THE REVISED UNIFORM LAW ON NOTARIAL ACTS

- Provides a new section on remote notarization in response to a rapidly emerging trend among the states to authorize the performance of notarial acts by means of audio-visual technology
- **Highlights:**
 - Allowing an individual to appear before a notary public by means of communication technology
 - Defines “communication technology” as any means or process that allows a notary public and a remotely located individual to communicate with each other simultaneously
 - Requires that an audio-visual recording of the notarial act be created and that the certificate of notarial act indicate that the act was performed by means of communication technology

UNIFORM NONPARENT CUSTODY AND VISITATION ACT

- Provides a framework for establishing child custody and visitation rights of nonparents in accord with *Troxel v. Granville*, the 2000 US Supreme Court case that recognized a right of a fit parent to make decisions regarding the rearing of his or her child
- The act seeks to balance the interests of children, parents and certain nonparents within constitutional limits; highlights:
 - Allows 2 categories of nonparents the right to seek custody or visitation:
 - those who have acted as a consistent caregiver of a child without expectation of compensation; and
 - those who have a substantial relationship with a child formed without the expectation of compensation and who demonstrate that denial of custody or visitation would cause harm to the child
 - Provides a presumption in favor of a parent’s decision regarding the custody or visitation which may be rebutted by the nonparent

SUPPLEMENTAL COMMERCIAL LAW FOR THE UNIFORM REGULATION OF VIRTUAL-CURRENCY BUSINESSES ACT

- A follow-up to the Uniform Regulation of Virtual-Currency Businesses Act adopted by the ULC in 2017, this act provides commercial law rules governing the duties and rights of customers of securities intermediaries in Article 8 of the UCC by incorporating Article 8 into the agreement made between a virtual-currency licensee and the end users
- The supplemental act provides certainty and finality to virtual currency transactions and enables a virtual currency business to use its own virtual currency as collateral for working capital financing
- The supplemental act replaces the substance of Section 502 of the Uniform Regulation of Virtual-Currency Businesses Act and is intended to be enacted concurrently with or immediately after the enactment of that act

AMENDMENTS TO UCC ARTICLES 1, 3, 8 AND 9

- These amendments were drafted to provide the substantive commercial law rules to support a national electronic registry for residential mortgage notes
- These amendments should NOT be adopted unless and until the federal National Mortgage Note Repository Act has been enacted by Congress

PROPOSED ACTS READ FOR THE FIRST TIME

- **Before an act can be adopted by the ULC and suggested to the States for enactment, it must be read line-by-line at 2 consecutive Annual Meetings. The following proposed acts were read for the first time in Louisville and most likely will be up for final read and adoption next summer. Current drafts may be found on the ULC website:**
 - Electronic Wills Act
 - Highly Automated Vehicles Act
 - Registration of Canadian Money Judgments Act
 - Tort Law Relating to Drones Act
- **Persons interested in these topics are encouraged to send their comments to the Chairs of the various drafting committees.**

NEW DRAFTING AND STUDY COMMITTEES

- **The following new drafting and study committees have been formed or are in progress:**
 - Drafting committee on unregulated transfers of adopted children – to draft a uniform or model law address the transfer of adopted children outside of the courts and the child welfare system
 - Drafting committee on the economic rights of unmarried cohabitants – to draft a uniform or model law to bring a consistent approach among the states to the economic rights of couples who choose to live together without getting married
 - Study committee on revisions to the Uniform Common Interest Ownership Act, which contains provisions for the formation, management, and termination of common interest communities such as condominiums, planned communities and cooperatives

NEW DRAFTING AND STUDY COMMITTEES – CONT'D

- Study committee on covenants not to compete – to study the need for and feasibility of a uniform or model law government covenants not to compete in employment and related contexts
- Study committee on online privacy protection – to study the need for and feasibility of a uniform or model law providing protection of online privacy
- Study committee on direct to consumer sales of wine, beer and distilled spirits – to study the need for and feasibility of a uniform or model law government the direct sale of alcohol to consumers
- Study committee on extreme risk protection orders – to consider the need for and feasibility of a uniform or model law that permits law enforcement officers or family members to petition a court to order removal of firearms from an individual who is considered to present a danger to themselves or others (HB 2227 is a version of this)

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RECENTLY ENACTED LEGISLATION

- **SB629 – Uniform Voidable Transactions Act – signed by the Governor on December 22, 2017 as Act No. 78 of 2017**
- **HB 1644 – Includes Uniform Collaborative Law Act and Uniform Arbitration Act – signed by the Governor on June 28, 2018 as Act No. 55 of 2018**

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PENDING LEGISLATION

- SB 511 – Uniform Deployed Parents Custody and Visitation Act (currently in Senate Judiciary)
- SB 595 – Includes the provisions for remote notarization in the Revised Uniform Law on Notarial Acts (currently in House State Government)
- SB 774 - proposes adoption of a modified version of the adjudicative provisions of the Model State Administrative Procedures Act, including the establishment of a Central Hearing Office (currently in Senate Appropriations)
- SB 827 – Fiduciary Access to Digital Assets Act (currently in House Judiciary)
- HB 2685 – Revised Uniform Residential Landlord Tenant Act (currently in House)

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