

Minutes
Annual Meeting of the Executive Committee
Uniform Law Commission
July 17, 2017
San Diego, California

Anita Ramasastry, Chair of the Executive Committee, called the meeting to order on July 17, 2017, at 1:35 p.m. Pacific Time. The following members of the Committee were present: Timothy Berg; Thomas J. Buiteweg, Treasurer; Richard T. Cassidy, President; William H. Henning; Melissa Hortman, Vice President; Harriet Lansing, Immediate Past President; Ryan Leonard, Chair of the Legislative Committee; Carl Lisman, Chair, Scope and Program Committee; Daniel Robbins, Secretary; and Rodney Satterwhite.

Also present: Commissioner William W. Barrett, Division Chair; Commissioner Michael Houghton, Chair of the Joint Editorial Board on International Law; Peter Lown, Executive Director to the Joint Editorial Board on International Law/Director of Research to the International Legal Developments Committee; Commissioner John T. McGarvey, Division Chair; Commissioner H. Lane Kneedler, Division Chair; and Commissioner Cam Ward, Division Chair; Liza Karsai, Executive Director; Elizabeth Cotton-Murphy, Chief Administrative Officer; Katie Robinson, Legislative Program Director; and Ben Orzeske, Chief Counsel.

Discussion with Division Chairs

Commissioners Kneedler, Barrett, McGarvey and Ward reported on the drafting and study committee activities of their respective divisions. Commissioners Bertani and Winkelman were unable to attend the meeting. Commissioner Barrett supports continuing to submit written reports as a part of the permanent record.

International Activities

Commissioner Stein, Chair of the International Legal Developments Committee, summarized the written reports submitted for the Executive Committee's consideration under Appendix, item 6.

Status of Proposed Amendment to the Constitution and Bylaws

Commissioner Ramasastry reported on the submission of a proposed amendment to the Section 4.1 of the ULC Constitution to allow the Chair of Executive Committee to also be designated Executive Vice President. After discussion, the vote on the amendment was tabled until 2018.

Charge for Highly Automated Vehicles Drafting Committee

Commissioner Tom Buiteweg summarized the contents of a proposed resolution regarding the scope of the charge to the Drafting Committee on Highly Automated Vehicles.

RESOLVED, that the Drafting Committee on Highly Automated Vehicles is authorized to address the following issues in its draft: provision of legislative findings and principles of interpretation; delegation of appropriate powers to relevant state agencies related to implementation; identification and definition of key terms used within the uniform law plus clarification of certain key terms (such as drive, operate, driver and operator) commonly used in existing vehicle codes; clarification of the relationship between automated driving and drive/owner education and licensing; specification of conditions for the registration and titling of new and used vehicles with automated driving systems; specification of vehicle equipment requirements in the context of federal law and policy on automated driving, and reflecting the need to periodically inspect and update automated driving system software; clarify the application of common rules of the road in the context of automated driving; and provision of penalties for violations of the uniform act;

The Executive Committee took note of the drafting committee's intent to examine whether issues of liability and insurance needed to be addressed as part of the act, and would seek approval for an expansion of its charge should it want to address these topics. A motion was made and approved to accept the charge.

Current Grant Funding

Commissioner Ramasastry reported on remaining grant funds available to support travel and meetings relating to state-federal relations. The Committee noted that the President should have discretion to use those funds as needed for relevant projects and travel focused on federalism.

Name Changes

A motion was made and approved that the Revised Uniform Parentage Act be changed to the Uniform Parentage Act (2017).

Report of the Committee on Scope and Program

A. Recommendations Concerning Discharge of Committees

Katie Robinson, Legislative Program Director, reported on recommendations for the discharge of committees. A motion was made and approved to discharge the Standby Committee to Implement the UN Commerce Convention Act, the Standby Committee on Uniform Asset-Preservation Orders Act, and the Standby Committee to Amend the Uniform Interstate Family Support Act.

B. Recommendations Concerning Establishment of New Study Committees

Commissioner Carl Lisman presented the rest of the report of the Committee on Scope and Program (“Scope”)

1. Scope submitted for consideration the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation specifically on bank garnishment or more generally on exemptions of asset classes from claims of creditors.

After discussion, the Executive Committee approved the following resolution:

RESOLVED, that a study committee be formed to study the need for and feasibility of state legislation specifically on garnishment of wages in bank accounts or more generally on exemptions of asset classes from claims of creditors.

2. Scope submitted the following resolution for consideration.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation on modifications to the law of adverse possession in light of modern technology affecting boundary disputes; changing public perceptions relating to claims made under color of title and without color of title; and recent developments in the law.

The Executive Committee resolved to appoint a study committee to consider and report on the need for and feasibility of state legislation on modifications to the law of adverse possession in light of modern technology affecting boundary disputes.

3. Scope presented the following resolution for consideration.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation on data breach notification including consideration of what sorts of personal information should be protected; to whom, when and how notice should be provided and the contents of the notice. It is not within the scope of the study to consider remedies for injury caused by a data breach.

The Executive Committee resolved to appoint a study committee to consider and report on the need for and feasibility of state legislation on data breach notification.

C. Recommendations Concerning the Establishment of New Drafting Committees

1. Scope submitted the following resolution for consideration, recommending that a drafting committee be formed to draft a UCC Article 8 statute as a companion act to the Uniform Regulation of Virtual Currency Businesses Act.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a drafting committee be formed to draft a UCC Article 8 related statute as a companion act to the Uniform Regulation of Virtual Currency Businesses Act based on the current Section 502 of the act as presented to the floor, contingent on the approval of the act at this annual meeting.

The Executive Committee resolved to appoint a drafting committee to draft a UCC Article 8-related statute as a companion act to the Uniform Regulation of Virtual Currency Businesses Act.

2. Scope submitted the following resolution for consideration, recommending that a drafting committee to amend the Revised Uniform Law on Notarial Acts be formed.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee to Amend the Revised Uniform Laws on Notarial Acts be formed to authorize remote notarization without geographic limits on the location of the signer and to address interstate recognition of notarial acts.

The Executive Committee resolved to appoint a Drafting Committee to Amend the Revised Uniform Laws on Notarial Acts.

3. Scope submitted the following resolution for consideration, recommending that a drafting committee to Regulate the Management of Funds Raised Through Crowdfunding Efforts be appointed.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee to Regulate the Management of Funds Raised Through Crowdfunding Efforts be formed to require transparency (including identity of the sponsor, stating the purpose or purposes of the endeavor, identifying application of surplus funds and addressing how funds should be applied if the target amount is not raised); and civil sanctions and remedies for non-compliance. It is not within the scope of the drafting to include organized charities or criminal sanctions for non-compliance. fundraising that includes and equity share in the business.

The Executive Committee resolved to appoint a Drafting Committee to Regulate the Management of Funds Raised Through Crowdfunding Efforts.

4. Scope submitted the following resolution for consideration, recommending that an Anti-Strategic Lawsuits against Public Participation (Anti-SLAPP) drafting committee be formed.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee be formed for an Anti-SLAPP Act to address the breadth of the act; limitations, if any, to be imposed after a motion to strike is made; the standard of review relating to the motion to strike; appeal rights from the grant of denial or a motion to strike; and whether the court should award attorney's fees and costs.

The Executive Committee resolved to appoint a drafting committee for an Anti-SLAPP Act.

5. Scope submitted the following resolution for consideration, recommending that a drafting committee be formed to address remedies for breach of Installment Land Contracts be appointed.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee be formed to address remedies for breach of Installment Land Contracts; determine at what point a buyer should have the same protections and remedies of a mortgagor, if any; establish the duties, if any, of a contract seller; establish disclosure requirements, if any; and determine whether and what warranties should be imposed on sellers. The committee should consider whether the scope of the act shall be limited to sales of residential property.

The Executive Committee deferred action.

D. Other Recommendations

1. Scope determined that the Study Committee on Event Data Recorders be continued with an expanded charge, and submitted the following resolution for consideration:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the charge for the Study Committee on Event Data Recorders be expanded to include generated vehicle data.

The Executive Committee accepted the Scope Committee's recommendation and approved an expansion of the charge of the Study Committee on Event Data Recorders as described in the Scope Committee resolution.

2. Scope submitted the following resolution for consideration, based on the recommendations of the Committee to Review ULC Acts:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the June 28, 2017, recommendations from the Committee to Review ULC Acts be approved with regard to the following:

- **Re-designate the Uniform Parentage Act (2000) as “superseded” contingent upon approval of the Uniform Parentage Act (2017) at the 2017 Annual Meeting.**
- **Re-designate the Uniform Guardianship and Protective Proceedings Jurisdiction Act (1997) as “superseded” contingent upon approval of the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act at the 2017 Annual Meeting;**
- **Withdraw the Model Adoption Act (1994) as “obsolete.”**

The Executive Committee approved this resolution.

3. Scope submitted the following resolution for consideration, recommending that a Committee on Personal Information Privacy be formed.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Committee on Personal Information Privacy be established, and if so, to refer to it the proposals on (1) manufacturer’s installed passwords on household smart devices; (2) personal information privacy misappropriation; (3) internet privacy rules; (4) biometric privacy; and also consider standardizing definitions and terms relating to protected personal information, sanction for misappropriation of protected personal information, and a consumer’s right to know the protected personal information collected by others and with whom the information is shared; biometric privacy, and internet rules regarding protected personal information.

The Executive Committee deferred action and requested that a more concrete proposal be developed about the potential work of the proposed committee and to report back to the Executive Committee at the midyear meeting.

E. Proposed Naming Convention Policy

No report was received on this item.

Strengthening State Delegations

Ryan Leonard, Chair of Legislative Council, reported on discussions with the Council related to strengthening state delegations. The Executive Committee decided that Council resources and

expertise are appropriately deployed to strengthen state delegations, and further decided to invite members of the committee working to monitor dues collection to the fall meeting of the Legislative Council to discuss collaboration.