

**ANNUAL MEETING  
OF THE COMMITTEE ON SCOPE AND PROGRAM**

**UNIFORM LAW COMMISSION**

**Saturday, July 13, 2019**

**Monday, July 15, 2019**

**Anchorage, Alaska**

**Minutes**

The meeting of the Committee on Scope and Program was convened at 9:00 am on Saturday, July 13, 2019, at the Dena'ina Convention Center in Anchorage, Alaska, by Chair Dan Robbins. Committee members Tim Berg, Thomas Hemmendinger, Lyle Hillyard, Lisa Jacobs, Kay Kindred, Ryan Leonard, Craig Stowers, and Karen Washington were present. Also present were Carl Lisman, Chair of the ULC Executive Committee, Tim Schnabel, ULC Executive Director, Steve Willborn, ULC Interim Executive Director, Katie Robinson, ULC Legislative Program Director, Cameron Pestinger, ULC Fellow, and Peter Lown from the Uniform Law Conference of Canada. Attending for a portion of the meeting were Commissioners Bill Breetz, Steve Frost, John McGarvey, Charlie Trost, Anne Reigle, Brian Gosch, Harvey Perlman, Barbara Atwood, Harry Tindall, Gail Hagerty, Martha Walters, Gene Lebrun, Keith Rowley, Sam Thumma, King Burnett, Kathy Patchel, Richard Long, Norm Greene, and Fred Stamp.

Chair Robbins welcomed the committee and discussed the agenda for the meeting. A motion was made and approved accepting the minutes of the Scope and Program Committee meeting held January 18, 2019.

**Study Committee Reports**

- Study Committee on **Garnishment of Wages in Bank Accounts**  
(Anne McGihon, Chair) Scope Liaison Tim Berg

ULC Interim Executive Director Steve Willborn reported on the progress of this study committee. The committee had previously recommended that a drafting committee be formed to draft a Uniform Law on Garnishment of Wages in Bank Accounts with the charge to draft state legislation specifically on garnishment of wages in bank accounts, and, if necessary, more generally on exemptions of asset classes from claims of creditors. At the July 2018 midyear meeting of Scope, the Committee on Scope and Program did not approve the recommendation for a drafting committee. Instead, Scope requested that the study committee provide additional information for consideration, including evidence of support from the banking industry and other stakeholders, including non-bank financial institutions, and provide more information regarding the various processes for garnishment which would be considered. Since then, and after further discussion with stakeholders who indicated a splintering of potential support from the banking community, the Study Committee has concluded that there is not a project that warrants a uniform state law. The committee requests that it be discharged.

After discussion, the Committee on Scope and Program recommended that the study committee be discharged. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee on Garnishment of Wages in Bank Accounts be discharged with a letter of thanks to the committee.**

*On July 16, 2019, the Executive Committee approved this resolution.*

- Study Committee to Amend or Revise **Uniform Common Interest Ownership Act** (Bill Breetz, Chair) Scope Liaison Tom Hemmendinger

Commissioner Breetz reported on the progress of this study committee. The committee has met by conference call five times, has created a list of issues for consideration, reviewed those issues, and contacted stakeholders. The study committee has concluded that there is a need to consider revisions to some, but not all, of the provisions in UCIOA by drafting either statutory provisions or additional comments. The committee requests that a drafting committee be appointed.

After discussion, the Committee on Scope and Program recommended that a drafting committee be appointed. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee be formed to Revise or Amend the Uniform Common Interest Ownership Act and the Uniform Condominium Act.**

*On July 16, 2019, the Executive Committee approved this resolution.*

- Study Committee on **Covenants not to Compete** (Keith Rowley, Chair) Scope Liaison Kay Kindred

Commissioner Rowley reported on the progress of this study committee. The committee has met by conference call and the committee chair and reporter continue to gather material for the committee's consideration. The reporter expects to draft a background memo by August 2019 prior to the committee's next call. Commissioner Rowley reported that in addition to covenants not to compete in the hiring, ongoing employment, and severance settings, the study committee is also discussing exploring covenants not to solicit clients or fellow employees, nondisclosure agreements, and agreements among employers not to poach one another's employees. The Scope and Program Committee concluded that this additional study was within the scope of the study committee. It is expected that a final report and recommendation will be submitted for consideration at the January 2020 midyear meeting of Scope. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Online Privacy Protection**  
(Harvey Perlman, Chair) Scope Liaison Lyle Hillyard

Commissioner Perlman reported on the progress of this study committee. The committee engaged a reporter for the project, and the reporter provided the committee with a background memorandum which gave the committee options for an approach to the project. The reporter's analysis articulated three possible alternatives: (1) a comprehensive on-line data privacy act, (2) a narrower project addressing a particular technology, such as biometric data, or (3) a uniform act establishing a framework for data security requirements. The study committee unanimously recommends appointment of a drafting committee to draft a comprehensive Uniform Act on the Collection and Use of Personally Identifiable Data. The study committee recommends that such a project should include provisions governing the collection, sharing, storage, security, control, and use of the on-line personal data of others.

After discussion, the Committee on Scope and Program recommended that a drafting committee be appointed. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee be formed on the collection and use of personally identifiable data, including the sharing, storage, security, and control of such data.**

*On July 16, 2019, the Executive Committee approved this amended resolution:*

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee be formed on the non-governmental collection and use of personally identifiable data, including the sharing, storage, security, and control of such data.**

- Study Committee on **Direct to Consumer Sales of Wine, Beer, and Distilled Spirits**  
(Steve Frost, Chair) Scope Liaison Lisa Jacobs

Commissioner Frost reported on the progress of this study committee. The committee has identified the states that have adopted legislation in this area, noting that 43 states already permit DTC (direct to consumer) sales of wine, and eight states already permit DTC sales of spirits. However, few (if any) existing DTC statutes adequately address compliance with other registration, reporting, or tax requirements, and most existing statutes do not adequately address sales to persons who are prohibited under other law from purchasing alcohol, e.g., underage purchasers. Because of the prevalent non-compliance with existing DTC statutes, the study committee recommends any project should focus on compliance with registration, reporting and tax requirements, and preventing illegal sales, including sales to minors. The study committee recommends appointment of a drafting committee.

After discussion, the Committee on Scope and Program recommended that a drafting committee be appointed. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on the registration and licensing of the direct sale of wine to consumers and the prevention of illegal sales be formed.**

*On July 16, 2019, the Executive Committee approved this resolution.*

- Study Committee on **Telehealth**  
(Michele Radosevich, Chair) Scope Liaison Lyle Hillyard

Commissioner Hillyard reported on the progress of this study committee. The committee has reviewed the recommended topics for its work and suggested stakeholder organizations that should be invited to participate. The committee has recently engaged a reporter: Kristin Madison of Northeastern University Law School; Prof. Madison holds a joint appointment in the School of Law and the College of Health Sciences. The committee will continue its work, and it is expected that a final report and recommendation will be submitted for consideration at either the January 2020 midyear meeting of Scope, or the July 2020 annual meeting of Scope. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued, and requests that the study committee prioritize the issues that the committee should address in its next report to Scope.

- Study Committee on **Disposition of Human Embryos and Gametes**  
(Barbara Atwood, Chair) Scope Liaison Kay Kindred

Commissioner Atwood reported on the progress of this study committee. The committee has recently engaged a reporter: Susan Crockin, a nationally recognized expert in assisted reproduction law. The committee is seeking to determine whether a statutory framework can be drafted that would provide beneficial legislation for states on embryo disposition. To that end, the reporter will prepare a list of specific topics that a uniform or model law on the subject would need to address, such as the requirements for an enforceable agreement about future disposition. It is expected that a final report and recommendation will be submitted for consideration at either the January 2020 midyear meeting of Scope, or the July 2020 annual meeting of Scope. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Jury Selection and Service**  
(Sam Thumma, Chair) Scope Liaison Craig Stowers

Commissioner Thumma reported on the progress of this study committee. The committee had its first conference call last month, at which time the committee undertook a preliminary discussion of the need for an act on this topic. The Uniform Jury Selection and Service Act was promulgated in 1970 and adopted in eight states. A revised and updated Uniform Act may result in improved representation in jury pools, reduced costs, and improved treatment of citizens during jury service. The committee is currently working on identifying additional observers to participate. It is expected that a final report and recommendation will be submitted for consideration at either the January 2020 midyear meeting of Scope, or the July 2020 annual meeting of Scope. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- **Joint Committee on UCC and Emerging Technologies**  
(Ed Smith, Chair) Scope Liaison Tom Hemmendinger

Commissioner Hemmendinger reported on the progress of this study committee. The committee has met by conference call and will have its first in-person meeting in the fall. To prepare for that meeting, the committee distributed a questionnaire to industry, consumer and bar groups, government agencies, businesses and other potentially interested parties. The questionnaire was designed to solicit suggestions for provisions of the UCC that may need to be revised or amended to take into account emerged and emerging technologies such as artificial intelligence, distributed ledger technology and virtual currency. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

### **Joint Editorial Board Written Reports and Recommendations**

- **JEB – Uniform Family Law**  
(Barbara Atwood, Chair) – Scope Liaison Kay Kindred

Commissioner Atwood and Commissioner Tindall reported on the recommendation from the JEB to appoint a study committee on the prohibition of female genital mutilation (FGM). Slightly more than half the states currently have prohibitions for FGM, with variations as to whether it is barred for all females or only for females under the age of 18. There is currently no federal statutory prohibition of FGM, after a federal court in Michigan struck down the federal ban (18 U.S.C. § 116) as beyond congressional authority. In light of the invalidation of the federal statute, the JEB recommends the appointment of a study committee.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved 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 on the prohibition of female genital mutilation for females under the age of 18.**

*On July 16, 2019, the Executive Committee did not approve this resolution.*

- **JEB – Uniform Trust and Estate Acts**  
(Tom Gallanis, Executive Director) – Scope Liaison Tim Berg

There was no proposal from the JEB, and the report of the JEB was accepted.

- **JEB – Uniform Real Property Acts**  
(Wilson Freyermuth, Executive Director) – Scope Liaison Lyle Hillyard

There was no proposal from the JEB, and the report of the JEB was accepted.

- **JEB – International Law**  
(Michael Houghton, Co-Chair) – Scope Liaison Ryan Leonard

There was no proposal from the JEB, and the report of the JEB was accepted.

- **JEB – Unincorporated Organization Acts**  
(James Wheaton, Director of Research) – Scope Liaison Lisa Jacobs

There was no proposal from the JEB, and the report of the JEB was accepted.

- **PEB – Uniform Commercial Code**  
(Neil Cohen, Director of Research) – Scope Liaison Tom Hemmendinger

There was no proposal from the JEB, and no new report of the PEB to be considered.

### **Monitoring Committees Reports and Recommendations**

- **Committee to Monitor Civil Litigation and Dispute Resolution**  
(Mike Getty, Chair; Lee McCorkle, Vice Chair) – Scope Liaison Karen Washington

Commissioner Richard Long reported on the first recommendation from the Committee to Monitor Civil Litigation and Dispute Resolution to appoint a study committee on third-party funding of litigation and arbitration. Third party funding, in its traditional form, is a non-recourse loan from the funder to a party in arbitration or litigation. The existing state statutes typically define it as a non-recourse transaction in which a finance company purchases a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award, or verdict obtained for a legal claim. The third-party funder receives a payment only if there is a

recovery in the legal action. Within the last decade, the picture has become more complex. New forms of funding include portfolio financing of large numbers of cases at a law firm or corporation, equity investment products that finance litigation in exchange for shares in a company, and crowdfunding. The existing state legislation on third-party funding of consumer claims varies in terms of the issues addressed and the policy solutions provided. The committee recommends the appointment of a study committee to investigate and clarify the issues further.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved 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 on third-party funding of litigation and arbitration, with special emphasis on ethical issues.**

*On July 16, 2019, the Executive Committee approved this resolution.*

Commissioner Kathy Patchel reported on the second recommendation from the Committee to Monitor Civil Litigation and Dispute Resolution to appoint a study committee on enforcement of mediated agreements. In December 2018, the UN General Assembly approved two instruments on enforcing settlement agreements that arise from mediation: the UN Convention on International Settlement Agreements Resulting from Mediation (the “Singapore Convention”), and the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (the “UNCITRAL Model Law”). If a study committee is appointed, the study committee could consider: (1) should the ULC play a role in implementing the enforcement procedures for mediated agreements set forth in the Convention and Model Law? (2) should the scope be limited to international agreements? (3) should the Uniform Mediation Act be amended, or should a new uniform act on enforcement of agreements be drafted? The committee recommends the appointment of a study committee to review these and other issues further.

After discussion, the Committee on Scope and Program referred the proposal to the International Legal Developments Committee (ILDC) for its review, with the request that the ILDC report back its findings, if any, at the January 2020 meeting of the Scope and Program Committee. The Committee on Scope and Program also requested that the CLDR Committee continue to monitor developments in this area and report back any new information at an appropriate time.

- **Committee to Monitor Healthcare Law**  
(Abbe Gluck, Chair) – Scope Liaison Lyle Hillyard

Commissioner Hillyard reported on the work of the Committee to Monitor Healthcare Law. There was no proposal, and the report of the Monitoring Committee was accepted. The committee will continue to monitor topics such as the opioids crisis, addiction treatment, professional licensure, privacy, and civil commitment.

- **Technology Committee**  
(Tom Buiteweg, Chair) – Scope Liaison Tom Hemmendinger

Commissioner Hemmendinger reported on the work of the Technology Committee. There was no proposal, and the report of the Monitoring Committee was accepted. The committee will continue to monitor topics such as algorithmic transparency, block-chain based business organizations, digital assets and the UCC, software liability, and automated dispute resolution.

- **Committee on Criminal Justice Reform**  
(Gail Hagerty, Chair) – Scope Liaison Craig Stowers

Commissioner Hagerty reported on the recommendation from the Committee on Criminal Justice Reform to appoint a study committee on the impact of fines and fees on people who are impoverished. There are three major areas in which the issue could be addressed: (1) suspension of driving privileges as a result of unpaid fines and fees even when unrelated to public safety; (2) fines and fees imposed on juveniles and their parents in the juvenile justice system; and (3) fines and fees imposed as a result of adult criminal offenses without regard to ability to pay. The committee recommends the appointment of a study committee to address fees which have a disparate impact on those who are impoverished.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved 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 impact of fines and fees on people who are impoverished, with emphasis on: suspension of driving privileges as a result of unpaid fines and fees even when unrelated to public safety; fines and fees imposed on juveniles or their parents in the juvenile justice system; and fines and fees imposed as a result of adult criminal offenses without regard to ability to pay.**

*On July 16, 2019, the Executive Committee approved this amended resolution:*

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the impact of fines and fees on people of limited means, with emphasis on: suspension of driving privileges as a result of unpaid fines and fees even when unrelated to public safety; fines and fees imposed on juveniles or their parents in the juvenile justice system; and fines and fees imposed as a result of adult criminal offenses without regard to ability to pay.**



## New or Pending Proposals

- **Special Deposits**

(Joseph Sommer, New York Federal Reserve, submitted on his own behalf)

Scope Liaison Tom Hemmendinger

Commissioner Hemmendinger reported on this proposal to create a study committee to explore the possibility of codifying the law of special deposits. Special deposits resemble a prefunded letter of credit with three parties: a funder, a bank, and a beneficiary. Mr. Sommer provided letters of support from the Clearing House and the New York Federal Reserve Bank.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved 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 on special deposits, and to recommend whether there is a need to amend the Uniform Commercial Code or amend or enact other law.**

*On July 16, 2019, the Executive Committee approved this amended 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 on special deposits.**

- **Technology and Privacy**

(Commissioner Larry Metz) Scope Liaison Lyle Hillyard

When this topic was first discussed in July 2018, the Committee on Scope and Program referred the proposal to the appropriate ULC Committee on Privacy Issues for further review and consideration. The Committee on Scope and Program reaffirms this recommendation.

- **Private Monitoring Devices in Nursing Homes**

(Prof. Tom Simmons, USD) Scope Liaison Kay Kindred

When the topic was first discussed in July 2018, the Committee on Scope and Program referred the proposal to the appropriate ULC Committee on Privacy Issues for further review and consideration. The Committee on Scope and Program reaffirms this recommendation.

- **Tort Liability Laws Affecting Highly Automated Vehicles**

(Commissioner King Burnett) Scope Liaison Craig Stowers

Commissioner Burnett reported on this proposal to appoint a study committee on the issue of automobile liability in regard to highly automated vehicles (HAVs). States are

responsible for determining liability for cars, including HAVs. States will need to consider how to allocate liability among HAV owners, operators, passengers, manufacturers, and others when a crash occurs. The ULC Study Committee on Driverless Cars, in its final report dated January 9, 2017, had acknowledged the challenges of comprehensively evaluating prospective tort liability laws and rules that could affect HAV deployment and future evolution. Consequently, the Study Committee agreed that HAV liability and insurance issues would not be addressed by the drafting committee on Highly Automated Vehicles.

At its July 2018 meeting, the Committee on Scope and Program referred the matter to the Drafting Committee on Highly Automated Vehicles for its review. Most members of the drafting committee believe that there was a need for such a study committee, but there was no consensus on whether such a study committee is needed now or should be deferred until after the HAV drafting committee completes its work.

After discussion, the Committee on Scope and Program requested that Commissioner Burnett, with the assistance of ULC staff, continue to monitor developments in state law on this subject, including the issue of tort liability with the use of automated devices (the “internet of things”) and report back any findings at a future meeting of Scope and Program.

- **Redistricting Commissions**  
(Commissioner Roger Henderson) Scope Liaison Lyle Hillyard

Commissioner Hillyard reported on this proposal regarding the creation of redistricting commissions for state legislative and congressional districts. At its January 2019 meeting, the Committee on Scope and Program deferred further discussion on this topic until the July 2019 annual meeting of Scope, expecting that the Supreme Court will have ruled on questions about partisan gerrymandering. In June, the Supreme Court ruled that federal courts are powerless to hear challenges to partisan gerrymandering, the practice in which the party that controls the state legislature draws voting maps to help elect its candidates.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Uniform Law on Elections**  
(Commissioner Gene Lebrun) Scope Liaison Tim Berg

Commissioner Lebrun reported on this proposal to appoint a committee to study election laws and make necessary recommendations to ensure that there are clear, simple, fair, and uniform laws on elections that govern how elections at all levels are conducted. Such a project would be broad and include such important issues as: who is eligible to vote; how to register to vote; voting machines; voting methods; early voting, recounts, and more.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Service and Emotional Support Animals**  
(Commissioner Anne Reigle) Scope Liaison Karen Washington

Commissioner Reigle and Commissioner Brian Gosch reported on this proposal regarding a potential act on service and emotional support animals. Although travel with animals on airlines falls under federal regulation, the majority of laws regulating pets, service animals and emotional support animals are state laws. The Americans with Disabilities Act protects individuals with disabilities, but the use of animals has expanded, and guidelines may be needed for providers of public travel and accommodations in the various states.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved 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 on service and emotional support animals.**

*On July 16, 2019, the Executive Committee did not approve this resolution.*

- **State Cybercrime Law**  
(David Goad, National Sheriff's Assn.) Scope Liaison Lisa Jacobs

Commissioner Jacobs reported on this proposal to appoint a study committee to explore the feasibility of a Uniform Act on State Cybercrime Laws. The National Sheriffs Association, through its Cybersecurity and Crime Subcommittee, has reviewed both the federal laws and a subset of state laws defining cybercrime-related criminal offenses. Federal cybercrime laws are well-organized, explicable, and forward-looking, while state cybercrime laws vary in their timeliness, their intended coverage, and their articulation, which creates a burden on law enforcement.

After discussion, the Committee on Scope and Program requested that ULC staff, in consultation with the National Sheriffs' Association, further research the current status of state law on the subject, and report back any findings at the January 2020 meeting of the Scope and Program Committee.

- **Sovereign Immunity**  
(Commissioner Marilyn Phelan.) Scope Liaison Tim Berg

Commissioner Berg reported on this proposal regarding a potential act that would codify the common law concept of sovereign immunity. A uniform law on the subject could be an effective means to set out statutorily the parameters of a state's immunity from suit and/or liability as well as to provide citizens with the right to sue the state, counterbalanced with defined limitations on that right.

After discussion, the Committee on Scope and Program requested that Commissioner Phelan, with the assistance of ULC staff if necessary, further research the current status of state law on the subject, review the expected Supreme Court decision on the topic, and report back any findings at the January 2020 meeting or the July 2020 meeting of the Scope and Program Committee.

- **Revise the Uniform Certificate of Title Act**  
(Commissioner Steve Willborn) Scope Liaison Karen Washington

Commissioner Willborn reported on this proposal to appoint a study committee to Amend or Revise the Uniform Certificate of Title Act (UCOTA). UCOTA, promulgated in 2005, provides comprehensive and modern rules for the administration and transfer of title certificates for motor vehicles. The Act has not been enacted in any state. A study committee could examine both UCOTA and the Uniform Certificate of Title for Vessels Act to determine whether amendments to one or both acts are advisable.

After discussion, the Committee on Scope and Program requested that ULC staff, in consultation with UCOTA drafting committee members, further research the current status of state law on the subject, particularly as to whether any provisions of UCOTA are obsolete, and report back any findings at the January 2020 meeting of the Scope and Program Committee.

- **Debt Collection Default Judgments**  
(Commissioner Martha Walters) Scope Liaison Craig Stowers

Commissioner Walters reported on this proposal to appoint a study committee on debt collection default judgments. In August 2018, the Conference of Chief Justices and Conference of State Court Administrators adopted a resolution supporting rules regarding default judgments in debt collection cases. Specifically, they urged members to consider enacting rules that require plaintiffs in debt collection cases to file documentation demonstrating their legal entitlement to the amounts they seek before an entry of default.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved 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 on default judgments in debt collection cases, requiring plaintiffs in debt collection cases to file documentation demonstrating their legal entitlement to the amounts they seek before an entry of default.**

*On July 16, 2019, the Executive Committee approved this amended 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 on default judgments in debt collection cases brought by third party debt collectors and debt buyers.**

### **Potential Future Projects**

The following topics were discussed and evaluated by Scope to determine if Scope should recommend further research or review on the particular topic.

- **Online Sales and State Tax Collection**  
(Commissioner Lyle Hillyard) Scope Liaison Lyle Hillyard

Commissioner Hillyard provided information regarding the 2018 Supreme Court decision in *South Dakota v. Wayfair*, which overturned the earlier decision of *Quill v. North Dakota*, which held that a state could not compel a retailer to collect and remit sales taxes unless that retailer has a physical presence in the state. In *Wayfair*, the court ruled that the correct standard in determining the constitutionality of a state tax law is whether the tax applies to an activity that has "substantial nexus" with the taxing state. In July 2018, the Scope Committee discussed whether the ULC could provide guidance to the states that want legislation to address the Supreme Court case and concluded at that time to take no action. Commissioner Hillyard reports that states still need clarification on how to comply with *Wayfair*. The National Conference of State Legislatures (NCSL) Task Force on State and Local Taxation has developed principles of state implementation after *South Dakota v. Wayfair*.

After discussion, the Committee on Scope and Program requested that Commissioner Hillyard continue to monitor developments, particularly at the NCSL, and report back any findings at the January 2020 meeting of the Scope and Program Committee.

- **Child Abuse Registry Data Sharing**  
(Liza Karsai) Scope Liaison Kay Kindred

Commissioner Kindred reported on this proposal regarding requiring states' registries to include specific data on child abuse and neglect cases. Every state has procedures for maintaining records related to reports and investigations of child abuse and neglect. However, there is no national database or data collection sharing for child abuse allegations.

After discussion, the Committee on Scope and Program referred the proposal to the Joint Editorial Board for Uniform Family Law for further review, with the request that the JEB report back its findings at the January 2020 meeting of the Scope and Program Committee.

## Other Business

- **Committee to Review ULC Acts**  
(Frederick Stamp, Chair)

Commissioner Stamp reported on the recommendations from the Committee to Review ULC Acts. After discussion, the Committee on Scope and Program approved the recommendations from the Committee to Review ULC Acts with respect to the following acts:

1. Uniform Electronic Recordation of Custodial Interrogations Act (2010): Scope requests that this Act be referred to the Criminal Justice Reform Committee for its review and consideration.
2. Uniform Assignment of Rents Act (2005): Scope requests that ULC legislative staff further research the current legislative landscape on the topic.
3. Uniform Debt Management Services Act: Scope requests that ULC legislative staff further research the current legislative landscape on the topic.
4. Uniform Correction or Clarification of Defamation Act: Scope requests that this Act be referred to both the Committee on Technology and the Committee to Monitor Developments in Civil Litigation and Dispute Resolution for review and consideration.
5. Uniform Health Care Decisions Act: Scope requests that this Act be referred to both the Committee on Healthcare Law and the JEB/Uniform Trust and Estate Laws for review and consideration.

Commissioner Stamp further reported that the Committee will review a number of model acts more than 40 years old, including: Anti-Discrimination (1966); Audio-Visual Depositions (1978); Class Actions (1976); Consumer Credit Code (1968); Consumer Sales Practices (1970); Eminent Domain Code (1974); Mandatory Disposition of Detainers (1958); Marriage and Divorce (1970). The Committee will try to complete its review of these acts for consideration by Scope at the January 2020 Midyear Meeting.

Having no further business, the Committee on Scope and Program was adjourned on July 15, 2019.