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Uniform Laws: A New Path Forward

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Uniform Laws: A New Path Forward

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Uniform Laws: A New Path Forward

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Uniform Laws: Moving Forward, Looking Back

Uniform Laws promulgated and approved by the Uniform Law Commission (intermittently referred to herein as the “ULC”) make an invisible impact upon the day to day life of most citizens of the United States. The Uniform Law Commission works tirelessly—and, often, without acknowledgment—to craft statutes addressing legal issues that are essentially universal and are within state, rather than Federal, jurisdiction.

Proposed Uniform Acts are drafted and debated endlessly by the Uniform Law Commission. Then, upon ULC approval, they are discussed at length again at the

state level. States enactment processes vary widely, and the enactment statistics follow suit. Connections made between the type of Uniform Act approved and the number of states that ultimately enact specific Uniform Acts can be extremely informative regarding the most efficient use of the time and energy expended by the ULC in the drafting process and the most effective processes employed by individual state commissioners and legislatures.

What is the Uniform Law Commission?

Since 1892, the Uniform Law Commission has enabled “states to voluntarily work together to solve problems common to all.”¹ According to Sandra Day O’Connor, Retired Associate Justice of the United States Supreme Court, “The fact that most Americans are unaware of the complexity of our legal system is due in some measure to the great success of the Uniform Law Commission.”²

The Member States

“For more than a century, the Uniform Law Commission (ULC) has served the states and their citizens by drafting state laws on subjects on which uniformity across the states is desirable and practicable. It is a nonprofit unincorporated association comprised of state commissioners from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Now in its 122nd year, the ULC is the nation’s oldest state governmental association. A nonpartisan, volunteer organization, the ULC is the source of more than 300 acts that secure uniformity of state law when differing laws would undermine the interests of citizens throughout the United States.”³ Most states joined the Uniform Law Commission fairly soon after the organization’s inception. The earliest adopters were Delaware, Georgia, Massachusetts, Michigan, Mississippi, New Jersey, New York, and Pennsylvania.⁴ The last states to join the ULC were Alaska, Nevada, and Hawaii, joining in 1912, 1911, and 1910 respectively.⁵

¹ From Sandra Day O’Connor’s Foreword to Robert A. Stein’s book, *Forming a More Perfect Union: A History of the Uniform Law Commission* (2013).

² *Id.*

³ <http://www.uniformlaws.org>.

⁴ Appendix D, Stein. *Forming a More Perfect Union*.

⁵ Appendix D, Stein. *Forming a More Perfect Union*.

The Mission of the Commission

The Uniform Law Commission seeks to provide guidance to state legislatures by drafting uniform laws that may be implemented by individual states. Some of these laws are widely implemented and provide consistency in areas in which such consistency is necessary or desirable. According to the Uniform Law Commission's own website, "The Uniform Law Commission...established in 1892, provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law."⁶

Further, the Uniform Acts promulgated by the ULC are an integral, if invisible, element of everyday life. "The ULC's work simplifies individuals' lives and facilitates business transactions by providing consistent rules and procedures from state to state. Every day, when a person conducts business, enters a contract, makes a purchase or sale, obtains or transfers property, or takes care of a family matter, it is likely that a ULC law applies."⁷

The Volunteer Army

The Uniform Law Commission is made up of volunteers. There are more than 300 Uniform Law Commissioners; the only fundamental eligibility requirement is membership in a bar association.⁸ "The state uniform law commissioners come together as the Uniform Law Commission for one purpose—to study and review the law of the states to determine which areas of law should be uniform.

The number of commissioners appointed to the ULC is determined by each individual state, as is the method of their appointment. While most states appoint commissioners to serve for a predetermined term, some states leave these terms open-ended. ULC commissioners are volunteers who do not receive salaries or other compensation for their public service."⁹ 22 Uniform Law Commissioners have also served as president of the American Bar Association (ABA).¹⁰

⁶ From the Uniform Law Commission's "About ULC" webpage, available at <http://www.uniformlaws.org>.

⁷ From the Uniform Law Commission's "About ULC" webpage, available at <http://www.uniformlaws.org>.

⁸ From the Uniform Law Commission's "About ULC" webpage, available at <http://www.uniformlaws.org>.

⁹ From the Uniform Law Commission's "About ULC" webpage, available at <http://www.uniformlaws.org>.

¹⁰ Appendix C. Robert A. Stein. *Forming a More Perfect Union: A History of the Uniform Law Commission* (2013).

The ULC and Model Laws: Fraternal Twins?

In addition to drafting uniform laws, the ULC drafts model laws. What's the difference? According to the Uniform Law Commission's website, "The Uniform Law Commission drafts uniform laws for the states to consider and enact. A uniform act is one that seeks to establish the same law on a subject among the various jurisdictions. When the term "uniform" is used in the nation's laws, it is highly likely that the ULC drafted the act. The ULC also promulgates "model" acts. An act may be designated as "model" if the act's principal purposes can be substantially achieved even if the act is not adopted in its entirety by every state."¹¹

"The difference between the two forms of draft legislation is subtle. The primary difference involves the extent to which state legislatures are expected to modify the proposed drafts before adoption. Although it is the prerogative of each state's legislature to adopt a particular law in full or to adopt and modify it, state legislatures are encouraged to adopt **uniform acts** exactly as written to promote uniformity among the states. The NCCUSL designates an act as a uniform act or law 'when it has a reasonable possibility of ultimate enactment in a substantial number of jurisdictions.' In contrast, **model acts** are intended as guidelines which states may adapt to best address unique circumstances. 'The expectation of the drafters is that parts, but not necessarily all of the act, will be adopted or modified and then adopted by various states.'"¹²

Uniform laws and model laws differ in other ways, too. While uniform laws are drafted exclusively by the Uniform Law Commission via an established drafting process, model laws are regularly drafted by the Uniform Law Commission, the American Legal Institute, and the American Bar Association.¹³ Additionally, special interest groups frequently propose model laws.¹⁴ Entities and individuals drafting model laws are not bound by the well-established and transparent drafting process utilized by the Uniform Law Commission; as a result, the involvement of special interest groups in the drafting of model laws is frequently obscured.

¹¹ Uniform Law Commission website, <http://www.uniformlaws.org>.

¹² Roy M. Mersky & Donald J. Dunn. *Fundamentals of Legal Research* 416-418 (8th ed. 2002).

¹³ Mary Whisner, *There Oughta be a Law—A Model Law*. 106 Law Libr. J. No. 1, 125, 130-131 (2014) .

¹⁴ *Id.* at 131.

The Pre-Approval Drafting Process

The commissioners promote the principle of uniformity by drafting and proposing specific statutes in areas of the law where uniformity between the states is desirable. Once a proposed statute has been approved by the Uniform Law Commission, it may then be enacted by individual state legislatures.¹⁵

By the time the process of drafting an act begins, its subject matter has been examined in detail by a study committee. A study committee will discuss the need for and the feasibility of drafting the act. According to the Uniform Law Commission's website, a ULC Study Committee "review an assigned area of law in light of defined criteria and recommend whether ULC should proceed with a draft on that subject... Study Committees typically do not meet in-person, but when appropriate Study Committees hold meetings with those interested in the area that the committee is exploring in order to assist in gauging the need for uniform state legislation in an area, the likely scope of any drafting project, and the potential support for a project."¹⁶

Currently, the following study committees are examining the feasibility of drafting model acts on the following topics: Alternative and Mobile Payment Systems; Computer Database Retrieval System for Land Records; Enforcement of Child Custody and Child Support Orders; Firearms Information; Portability and Recognition of Professional and Occupational License of Military Spouses; Registration of Foreign Judgments; Social Media Privacy; Third Party Child Custody and Visitation; Trust Protector Act; and the Veterans Court Act.¹⁷

If the study committee determines that the drafting process should move forward, a drafting committee is formed. "Uniform Law Commission (ULC) drafting committees consist of a chair, several ULC commissioners from various states, and a reporter (usually a law professor with expertise in the subject matter). Every ULC drafting committee is also assigned an ABA advisor, who represents the ABA as a whole, and frequently one or more ABA section advisors, who represent particular ABA entities. Other interested groups are also invited to send representatives, known as "observers." ULC drafting meetings are open to the public, everyone at a drafting meeting is encouraged to participate

¹⁵ From the Uniform Law Commission's "About ULC" webpage. <http://www.uniformlaws.org>.

¹⁶ Uniform Law Commission, *Types of Committees*, from the ULC webpage. <http://uniformlaws.org/Narrative.aspx?title=Types%20of%20Committees> (last visited on June 17, 2014).

¹⁷ From the list of active study committees published on the ULC website. <http://www.uniformlaws.org/Committees.aspx?type=Study>.

fully in the discussion, and all of our drafts are available on the ULC website. ULC drafting committees typically meet three times a year (two substantive drafting committee meetings and a presentation of the draft for line-by-line reading and debate at the ULC Annual Meeting) for at least two years.”¹⁸ A draft of a proposed act is not presented to the ULC for approval until the committee has completed its own extensive process of review and revision.¹⁹

The drafting process is neither easy nor fast. “Nothing a lawyer, or a law professor, can do will teach cooperation and humility so much as drafting statutes, particularly a Uniform Act. The process is long and involved, taking at least two years and usually three years or more to complete. In that time at least four “official” drafts are produced (this was more like twelve), and the act is reviewed with a vengeance in two (or three) public readings with approximately 300 eagle-eyed commissioners examining the work of the reporter and the Drafting Committee.”²⁰

No proposed act is eligible for designation as a ULC product until it has been subjected to this rigorous process of examination and debate. Near the close of the annual meeting, proposed acts are presented to the body of the commission for a vote on a state-by state basis. Final approval of a proposed act requires the approval of twenty or more states.

Another important ULC committee is the Legislative Committee, which has “at least one liaison in each state and territory,” and is tasked with seeking enactment of ULC-approved uniform and model acts in each state. After the thorough drafting process, this seemingly easy task is, surprisingly, almost as complicated at the state level as it is at the ULC.

Uniform Acts and State Legislatures: It’s Complicated...

The State Implementation Process...The Real Work Begins!

Once the Uniform Law Commission has approved a proposed act, the state enactment procedure begins. Somewhat surprisingly, after the lengthy process

¹⁸ The Uniform Law Commission, *Types of Committees*, available on the Uniform Law Commission’s website.
<http://uniformlaws.org/Narrative.aspx?title=Types%20of%20Committees> (last visited June 17, 2014).

¹⁹ *Id.*

²⁰ *Id.*

that must occur prior to approval of a uniform act by the ULC Commissioners, there is still much more work that must be done in order to achieve enactment at the state level. “It turns out that the judgment of whether uniformity is desirable can be likened to poker or even shooting craps. Ultimately, it is the state legislatures, not the NCCUSL, that determine the need for uniformity.”²¹

Although every state has commissioners that participate in the process of drafting uniform acts, that doesn’t necessarily translate into the timely enactment of uniform laws exactly as they are written. While the basic concepts of uniform laws are included in the bills introduced in state legislative sessions, “each state has its own legal traditions and perhaps peculiarities that cannot easily be considered on a national level...there always is the question of how a proposed uniform act will fit the existing jurisprudence of a state; that is, what statutes must be amended or repealed and what cases will remain good law.”²²

There is no standard process for enacting a uniform law at the state level, and state enactment processes vary widely. Enactment at the state level might involve the participation of state bar association special interest sections and other state entities likely to be affected by the proposed legislation. One state enactment process is described in detail below.

The Oklahoma Breakdown²³

The state-specific issues associated with uniform laws may be most efficiently addressed by state bar associations. For example, the Oklahoma commissioners generally “present each uniform or model act promulgated by NCCUSL and which they perceive would be useful if enacted in Oklahoma for study by the Oklahoma Bar Association. Most uniform or model laws are presented to the Uniform Laws Committee of the Oklahoma Bar Association which, in most instances, will contact and involve other parts of the Oklahoma Bar Association if those parts are likely to have an interest.”²⁴ Next, the proposed act is annotated with definitions of relevant terms, remarks on jurisdiction, and introductory and explanatory information explaining the reasoning behind the legislation and how implementation of the proposed act will improve upon and interact with existing

²¹ John J. Sampson, *Uniform Family Laws and Model Acts*. 42 Fam. L.Q. 673, 674 (2008-2009).

²² Fred H. Miller and Leo H. Whinery, *Uniform Laws in Oklahoma: the Second Century*. 76 Okla. B.J. No. 2 125, 126 (2005).

²³ See singer/songwriter Mike Hosty and his bandmate, Tic Tac III, perform “Oklahoma Breakdown”.

²⁴ Miller and Whinery, *supra* note 22, at 126.

state law.²⁵ This information is subsequently published in the Oklahoma Bar Journal and posted to the state bar website.²⁶

Further, the members of the Oklahoma Bar Association that are examining the proposed act consult with other interested groups and parties who will be governed by the proposed legislation. For example, the Oklahoma Division of Securities participated in the enactment of the Revised Uniform Securities Act, and the Child Support Enforcement Division of Oklahoma's Department of Human Services assisted legislators with the enactment of the Uniform Interstate Family Support Act.²⁷

The Numbers

The Uniform Law Commission maintains an excellent website containing data related to each uniform act that it approves.²⁸ Upon examination of the data related to all uniform acts introduced and/or enacted in state legislatures between 2005 and 2014, it becomes obvious that the enactment of laws approved by the Uniform Law Commission is not a priority for every state. Likewise, it becomes apparent that the ULC gets the most mileage out of the time spent researching, drafting, and encouraging state implementation of approved Uniform Acts.

The number of Uniform Laws enacted by state legislatures varies from year to year. The chart on the following page tracks the number times individual state legislatures introduced and enacted uniform laws in the past ten years.

²⁵ Fred H. Miller and Leo H. Whinery, *Uniform Laws in Oklahoma: the Second Century*. 76 Okla. B.J. No. 2 125, 127 (2005).

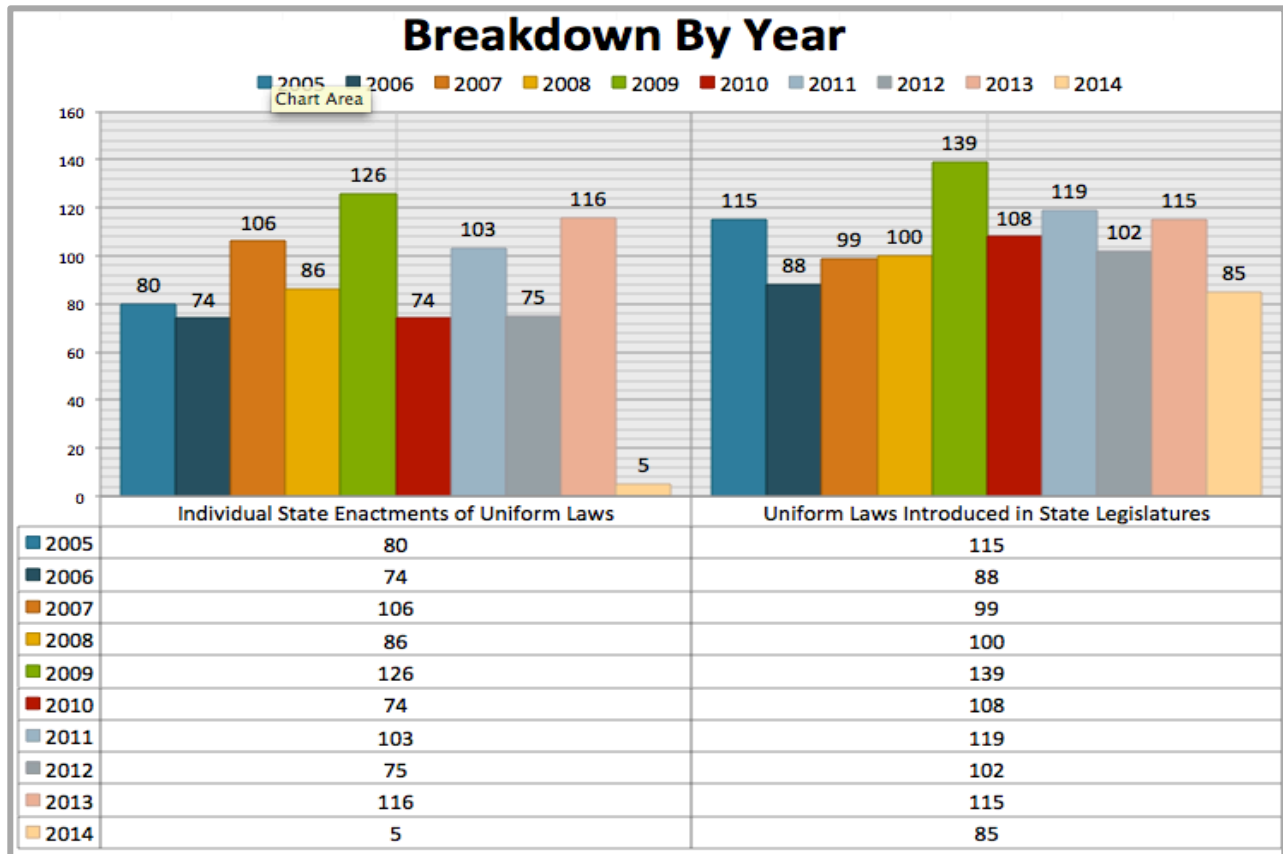
²⁶ *Id.* at 126.

²⁷ *Id.* at 129.

²⁸ Uniform Law Commission website, <http://www.uniformlaws.org>.

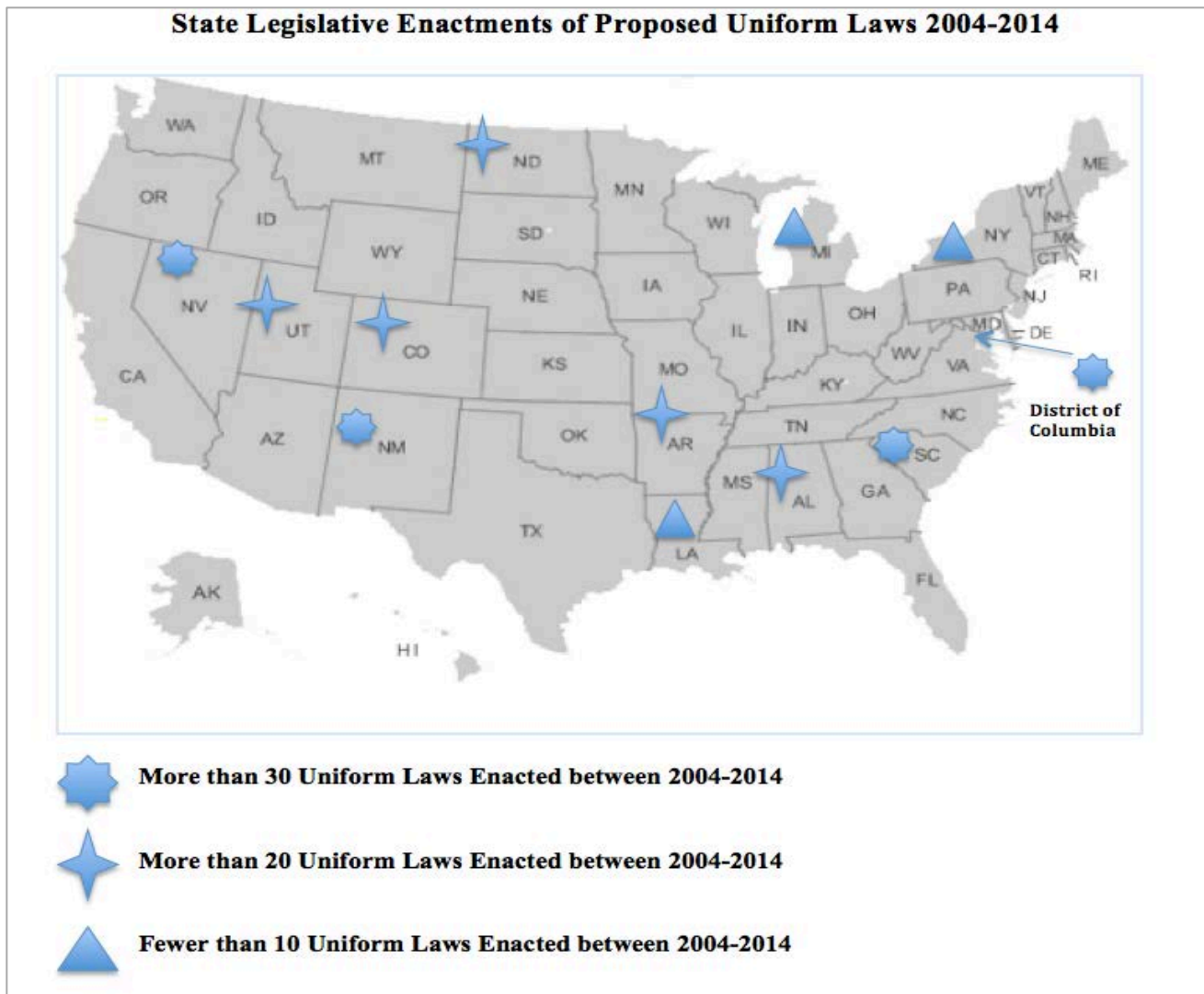
The number of enactments per year is inconsistent, ranging from 74 enactments by state legislatures in 2006 and 2010 to 126 enactments in 2009.

Of the hundreds of uniform acts approved by a vote of the state commissioners, only a handful are enacted by every single state in the country.



Although 20 states must vote in favor of a proposed uniform law in order for it to be rendered approved by the Uniform Law Commission, a state's approval of a proposed law for promulgation by the ULC does not necessarily translate to enactment by the state legislature.

The majority of states have enacted between ten and twenty Uniform Laws since 2004.²⁹ The outlying states—those that have enacted fewer than ten or more than 20 uniform laws between 2004 and mid-January 2014, when this data was collected—are identified on the map below.³⁰

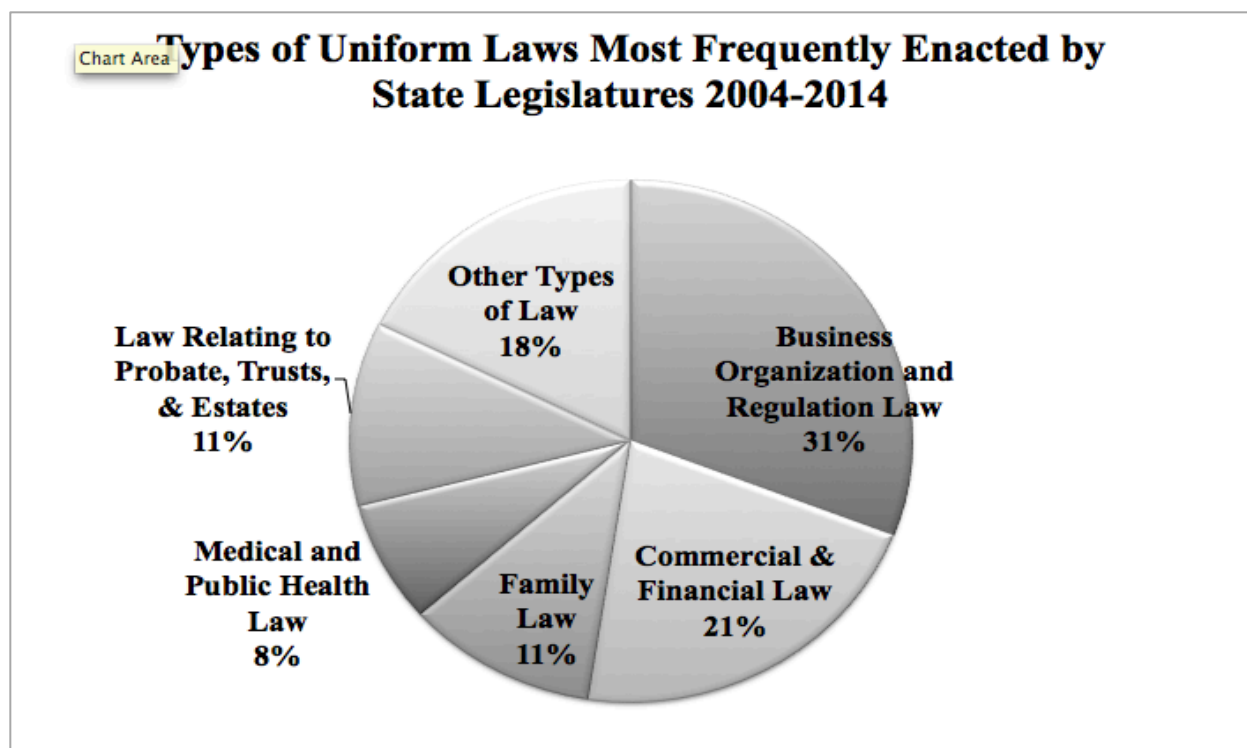


²⁹ A table listing the number of uniform laws enacted by all the states from 2004-2014 is attached as Appendix A. all data was gathered by the author from the Uniform Law Commission's official website, <http://www.uniformlaws.org/>.

³⁰ Considering enactments throughout the past decade, the most active state from a uniform law perspective is Nevada, with 36 enactments. Michigan is at the other end of the spectrum, enacting only 3 uniform laws between 2004 and mid-January 2014.

Over the past decade, the most frequently enacted uniform laws involve commercial transactions and business organizations, while tax and tort laws are the least likely to be enacted.³¹ The chart below depicts the percentage breakdown of the types of uniform laws most often enacted in state legislatures.

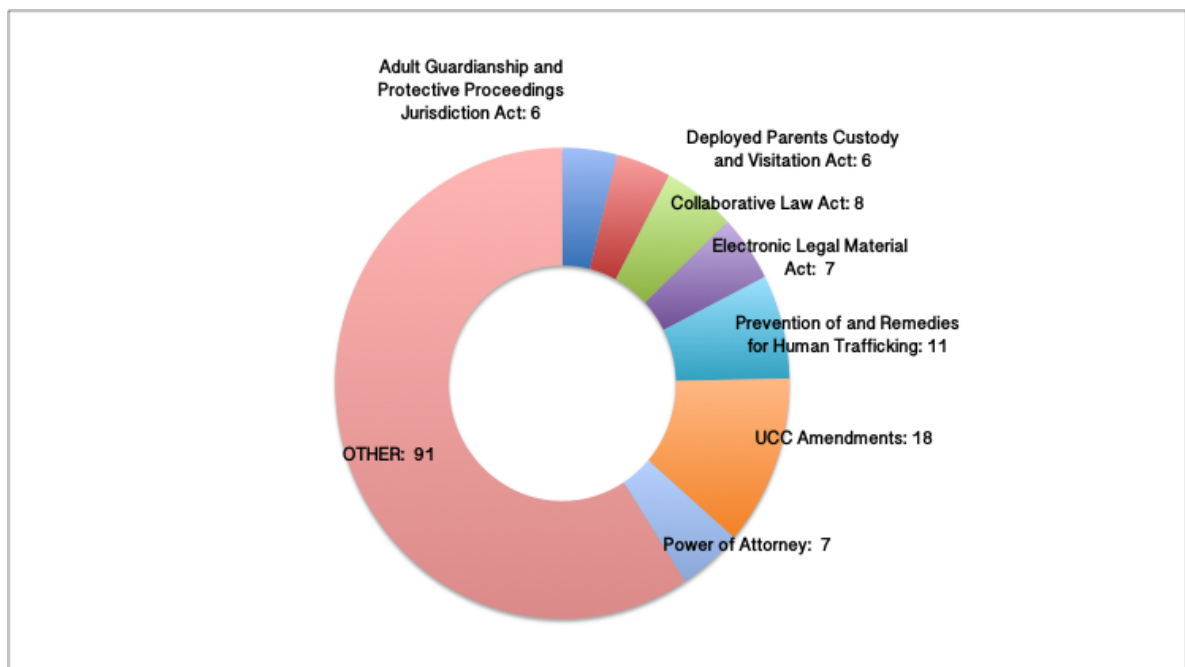
Between 2004 and 2014, over 50% of state uniform law enactments were acts governing business, commercial, and financial matters. Eleven percent of state uniform law enactments were related to family law, while another 11% of state enactments involved laws relating to probate, trusts, and estates.



Eight percent of state uniform law enactments are related to medical and public health issues. Eighteen percent of the uniform laws enacted in state legislatures since 2004 fall into various other legal categories, including criminal law, tort law, consumer law, tax law, international law, and property law.

³¹ A complete breakdown of uniform acts by year, state, category, status, and sponsor is contained in the data file associated with this paper and is available upon request. Again, all data was gathered by the author from the Uniform Law Commission's official website, <http://www.uniformlaws.org/>.

According to the Uniform Law Commission's current Legislative Report, 153 uniform laws have been introduced in state legislatures thus far in 2014; 39 have been enacted.³² The 2014 breakdown, shown below, illustrates the introductions and enactments of uniform laws in state legislatures between January 1, 2014 and May 19, 2014.



According to the data contained in the ULC's 2014 Legislative Report, the laws currently trending in state legislatures include the Adult Guardianship and Protective Proceedings Jurisdiction Act, the Collaborative Law Act, the Electronic Legal Material Act, and the Prevention of and Remedies for Human Trafficking Act.³³

³² Uniform Law Commission, Legislative Report by State 2014, http://www.uniformlaws.org/Shared/LegReports/LegRpt_State.pdf. The data contained in the chart above is current as of May 19th, 2014.

³³ Uniform Law Commission, Legislative Report by Act 2014, http://www.uniformlaws.org/Shared/LegReports/LegRpt_Act.pdf. The data contained in the chart above is current as of May 19th, 2014.

Great Success: The Uniform Commercial Code

The Uniform Law Commission's best-known work is likely the widely-adopted Uniform Commercial Code (UCC).³⁴ Although the process of drafting the UCC did not begin until 1942, the harmonization of commercial law was a longstanding goal of the Commission. According to Professor Frederick H. Miller³⁵, "The desire to develop a unified body of commercial law was one of the primary reasons to organize the conference. This motivation was expressed by Justice Story in *Swift v. Tyson* "who stated that "the true interpretation and effect [of contracts and other instruments of a commercial nature] ... are to be sought, not in the decisions of the local tribunals, but in the general principles and doctrines of commercial jurisprudence."³⁶

The way that Americans do business has been constantly evolving since the inception of the Uniform Commercial Code. "Ultimately, the flexibility built into the UCC can only reach so far. Thus amendment of the statute must occur when it is extended to cover transactions not previously covered. Extension has occurred several times in recent years."³⁷

Beyond the aforementioned flexibility inherently necessary in the text in the UCC itself, "The UCC also relies heavily on the use of general standards that can develop and evolve over time as practices and methods related to commercial transactions change."³⁸ The drafters' commitment to continuous evolution is a likely reason that the U.C.C. is almost universally enacted in the United States.

Great Success: Uniform Interstate Family Support Act

Areas of law involving the support of children and families are popular targets for the Uniform Law Commission. The states and the federal government have long had an interest in protecting children and families.

³⁴ An breakdown of the enactment statistics related to each individual Article of the U.C.C. is contained in Appendix B.

³⁵ In addition to being a former president of the Uniform Law Commission, a Commissioner from Oklahoma, and a U.C.C. V.I.P., Fred Miller is Professor Emeritus at the University of Oklahoma College of Law and, in the last year before his retirement, he was my first-year contracts professor.

³⁶ Fred H. Miller, *Uniform Commercial Code Article 2 On Sales of Goods and the Uniform Law Process: A True Story of Good v. ?*. 11 Duq. Bus. L.J. 143 2008-2009.

³⁷ *Id.*

³⁸ Fred H. Miller, *Modernizing The U.C.C. for the New Millennium: Introduction To A Collection On The New U.C.C.* 25 Okla. City U. L. Rev. 189 (2000).

“Congress implemented radical child support reform starting in 1975 when it linked the states' eligibility for certain welfare funding with requirements for child support enforcement in welfare cases. Since then, Congress has enacted numerous additional legislative measures, and the child support system is now uniform across state lines with respect to many enforcement procedures, jurisdictional questions, and eligibility determination processes. Although Congress gives the states freedom to decide what types of guidelines they will use, states must have specific guidelines in place for determining child support. Standardized collection procedures are also required, and states must participate in numerous nationwide databases containing case information.”³⁹

Although the states allegedly have “freedom to decide what types of guidelines they will use,” states are also under pressure from the federal government to enact certain provisions.

For example, “The NCCUSL's latest--and current--contribution to the solution of interstate support enforcement problems is the Uniform Interstate Family Support Act (UIFSA). Originally proposed in 1992 and amended significantly in 1996 and again in 2001, all U.S. jurisdictions have enacted UIFSA, in part because of pressure to do so from the federal government...Its main goals are to insure that each case will have only one active support order and to settle jurisdiction over that order in a single court.”⁴⁰ UIFSA further provides “that the court issuing the current order retains jurisdiction over its modification...”⁴¹

Failure: The Uniform Adoption Act

Uniform acts related to children and families are not always palatable to state legislators. The Uniform Adoption Act, which was approved by the ULC after an intense five-year drafting process, provides a comprehensive procedure for all phases of the adoption process.⁴² The Uniform Adoption Act addressed issues such as relinquishment of a child by his or her birth parents, the evaluation of prospective adoptive parents, the termination of parental rights, and confidentiality of adoption records. Likely due to its excessive complexity, substantial alteration of existing procedures, and lengthy text, the Uniform

³⁹ Jill C. Engle, *Promoting the General Welfare: Legal Reform to Lift Women and Children in the United States Out of Poverty*, J. Gender Race & Just. 1 (Winter 2013).

⁴⁰ Kimball Denton, *A Brief History of Uniform Laws for Private Interstate Support Enforcement*, 20 J. Contemp. Legal Issues 323 (2011-2012).

⁴¹ *Id.*

⁴² John J. Sampson, *Uniform Family Laws and Model Acts*, 42 Fam. L.Q. 673, 674 (2008-2009).

Adoption Act was only enacted by one state—Vermont—and was later demoted to a model act.⁴³

Moving Forward

Drafting Committee on Accuracy of Criminal Records

Although criminal law is less frequently touched by the ULC than other types of laws, it is occasionally addressed by the Uniform Law Commission. According to the ULC website, “Recent studies have demonstrated that criminal records that are accessed for these purposes may be inaccurate or incomplete. Some of the causes of inaccuracy or incompleteness are: lack of information on dispositions after an arrest or other charge has been entered in a database; data entry errors resulting in an incorrect listing of the offense, or multiple listings of the same offense, or attribution of an offense to a wrong individual; criminal identity theft; and searches for criminal record information resulting in one person’s criminal record information appearing in search results initiated for a different individual. This drafting committee will draft an act that seeks to improve the accuracy of criminal records.”⁴⁴

Drafting Committee on Domestic Unsworn Declarations

“The Uniform Unsworn Foreign Declarations Act (UUFDA) was adopted in 2008 and has since been enacted in 20 states. The Act authorizes the use in litigation that takes place in the United States of unsworn declarations made under penalty of perjury outside the United States. Federal legislation, 28 U.S.C. Section 1746, is broader in that this legislation also authorizes the use in federal court of unsworn declarations made under penalty of perjury within the United States. This drafting committee will draft both an amendment to UUFDA and free-standing state legislation that authorizes the use of unsworn declarations made under penalty of perjury within the United States, in both interstate and intrastate situations.”

As of January 28, 2014, there are two new study committees:

⁴³ John J. Sampson, *Uniform Family Laws and Model Acts*. 42 Fam. L.Q. 673, 674 (2008-2009).

⁴⁴ Uniform Law Commission, *Committees: Accuracy of Criminal Records*, <http://uniformlaws.org/Committee.aspx?title=Computer%20Database%20Retrieval%20System%20for%20Land%20Records> (last visited June 17, 2014).

Study Committee: Computer Database Retrieval System for Land Records

This study committee was created in order to evaluate the necessity for and feasibility of enacting state legislation related to a computer database retrieval system for land records.⁴⁵

Since property laws are generally very state-specific, the approval of a Uniform Act related to real property is slightly unusual. However, uniform recording of land records is likely in the best interest of the states. Due to the success of the Uniform Real Property Electronic Recording Act (URPERA), which was approved in 2004 and has since been adopted in 28 jurisdictions, the existence of this study committee makes sense.

According to the Uniform Law Commission's website, "a potential next step, particularly for states that have enacted URPERA, might be for states to adopt legislation that authorizes and establishes minimum requirements for a state-wide system for recording, searching for and retrieving documents filed in the land records throughout the state."⁴⁶

New Study Committee: Alternative and Mobile Payment Systems

The existence of this study committee is tangible evidence that the ULC is willing to evolve along with the processes associated with the day-to-day financial transactions in which most citizens engage. According to the ULC webpage relating to this study committee, the rise in popularity of mobile payment systems may be driving a need for uniform legislation.

The ULC cites the emergence of companies such as Bitcoin and other companies seeking to provide methods for alternative or mobile payments as a reason for the formation of the Alternative and Mobile Payment Systems study committee. As the description states, companies offering mobile payment services are licensed and regulated differently by each jurisdiction.⁴⁷

⁴⁵ Uniform Law Commission, *Committees: Computer Database Retrieval System for Land Records*, <http://uniformlaws.org/Committee.aspx?title=Computer%20Database%20Retrieval%20System%20for%20Land%20Records> (last visited June 17, 2014).

⁴⁶ *Id.*

⁴⁷ Uniform Law Commission, *Committees: Alternative and Mobile Payment Systems*, <http://uniformlaws.org/Committee.aspx?title=Alternative%20and%20Mobile%20Payment%20Systems> (last visited June 17, 2014).

The ULC's drafting of the Uniform Money Services Act occurred in the year 2000, and the Act was amended in 2004.⁴⁸ The Uniform Money Services Act dealt with the licensing and regulation of companies like Western Union, PayPal, and other non-bank financial service providers.⁴⁹ The decade since the drafting of the Uniform Money Services Act has seen many things change, and the explosion of the mobile payment industry may necessitate uniform legislation to ensure that consumers using alternative and mobile payment methods are protected.

The Mobile and Alternative Payment Study Committee is an example of the ULC's support of an essentially universal interest via the channels of individual state governments. As stated in the ULC's description of this study committee, "In the absence of an overarching federal payments regulatory framework, state laws may need to be harmonized to the extent possible. This study committee will consider the need for and feasibility of enacting state legislation to regulate alternative and mobile payment systems."⁵⁰

In Conclusion

The data collected and displayed in the charts above clearly shows that, although many states are likely to adopt uniform acts relating to commercial and family law, the majority of states actually enact only a small number of proposed uniform laws. The exception to this general trend is the Uniform Commercial Code, along with several of the more widely-adopted uniform acts related to family law.

Given this data, continuing to expend energy and resources drafting multitudes of uniform laws is time and energy that could be well spent in other channels. The Uniform Commission could, for example, shift into a consulting service, in which states that wanted to enact a specific uniform law could request the Commission's assistance. Whatever the changes, the Uniform Law Commission is an institution with a long history of success that should be utilized to the full advantage of the individual states and the nation as a whole.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Uniform Law Commission, *Committees: Alternative and Mobile Payment Systems*, <http://uniformlaws.org/Committee.aspx?title=Alternative%20and%20Mobile%20Payment%20Systems> (last visited June 17, 2014).

Appendix A

UNIFORM LAW ENACTMENTS BY STATE SINCE 2004

STATE	ENACTMENTS	STATE	ENACTMENTS
Nevada	36	Delaware	14
D.C.	34	Kansas	14
New Mexico	30	Minnesota	14

South Carolina	30	Texas	14
Utah	29	Vermont	14
Colorado	25	California	13
North Dakota	25	Connecticut	13
Arkansas	22	Florida	13
Alabama	21	Illinois	13
North Carolina	20	Pennsylvania	13
Washington	20	Rhode Island	13
Virginia	19	Arizona	12
Idaho	18	Georgia	12
Indiana	18	West Virginia	11
Kentucky	18	Alaska	10
Montana	18	Maryland	10
Oklahoma	18	Missouri	10
Hawaii	17	New Hampshire	10
Oregon	17	New Jersey	10
South Dakota	17	Louisiana	9
Wisconsin	17	New York	6
Iowa	16	Michigan	3
Massachusetts	16	Grand Total	845
Mississippi	16		
Nebraska	16		
Wyoming	16		
Maine	15		
Ohio	15		
Tennessee	15		

Appendix B

UNIFORM COMMERCIAL CODE ARTICLE 1, GENERAL PROVISIONS (2001)

Adoptions44

PurposeUpdates the general provisions section of the UCC to harmonize with recent revisions of the UCC.

Related ActsOther Articles of Commercial Code.

SupersedesCommercial Code Article 1 (1951)

UNIFORM COMMERCIAL CODE ARTICLE 2A, LEASES (1987)(1990)

Adoptions51

PurposeProvides a legal framework for leases of personal property, similar to Article 2 which covers sales.

Related ActsOther Articles of Commercial Code; Certificate of Title; Consumer Leases.

UNIFORM COMMERCIAL CODE ARTICLES 3 AND 4, NEGOTIABLE INSTRUMENTS AND BANK DEPOSITS AND COLLECTIONS (1990)(2002)

Adoptions52

PurposeUpdates provisions of the UCC dealing with payment by checks and other paper instruments to provide essential rules for the new technologies and practices in payment systems. UCC3/4 was amended in 2002 to keep pace with developments of legal rules in this area.

Related ActsOther Articles of Commercial Code.

SupersedesCommercial Code Articles 3 and 4 (1951).

UNIFORM COMMERCIAL CODE ARTICLE 4A, FUNDS TRANSFERS (1989)(2012)

Adoptions53

Adoptions of 2012 Amendment2

PurposeTo provide a comprehensive body of law on the rights and obligations connected with fund transfers. Amended in 2012 in response to an amendment to the Federal Electronic Funds Transfer Act (EFTA); the amendment clarifies the relationship of the scope of EFTA to the scope of UCC4A in the context of remittance transfers.

Related ActsOther Articles of Commercial Code.

UNIFORM COMMERCIAL CODE ARTICLE 5, LETTERS OF CREDIT (1995)

Adoptions52

PurposeUpdates provisions of the UCC dealing with letters of credit, previously adopted in every state, to provide necessary rules for the many innovations in letters of credit.

Related ActsOther Articles of Commercial Code.

SupersedesCommercial Code Article 5 (1951).

UNIFORM COMMERCIAL CODE ARTICLE 6, BULK TRANSFERS (1989)

Adoptions51

Repeal49

Revise2

PurposeRepeals this article of the UCC, originally adopted in every state except Louisiana, which many states have found to be obsolete. An optional amendment modernizes Article 6 for those states that wish to retain it.

Related ActsOther Articles of Commercial Code; Fraudulent Transfer.

SupersedesCommercial Code Article 6 (1951).

UNIFORM COMMERCIAL CODE ARTICLE 7, WAREHOUSE RECEIPTS, BILLS OF LADING, AND OTHER DOCUMENTS OF TITLE (2003)

Adoptions43

PurposeUpdates Article 7 to provide a framework for the further development of electronic documents of title, and to update the article for modern times in light of state, federal and international developments.

Related ActsOther Articles of Commercial Code.

SupersedesCommercial Code Article 7 (1951)

UNIFORM COMMERCIAL CODE ARTICLE 8, INVESTMENT SECURITIES (1994)

Adoptions53

PurposeUpdates UCC Article 8, originally adopted in every state, to provide a modern legal structure for the system of securities holding through intermediaries.

Related ActsOther Articles of Commercial Code; Securities; TOD Security Registration.

SupersedesCommercial Code Article 8 (1977).

UNIFORM COMMERCIAL CODE ARTICLE 9, SECURED TRANSACTIONS (1999)(2010)

Adoptions53;

Adoptions of 2010 Amendments.....30

Purpose:The 2010 amendments to UCC Article 9, which governs secured transactions in personal property, address filing issues as well as other matters that have arisen in practice following over a decade of experience with the revised Article 9 (last revised in 1999 and enacted in all states and the District of Columbia). Of most importance, the 2010 amendments provide greater guidance as to the name of an individual debtor to be provided on a financing statement. The amendments also improve the system for filing financing statements.

Related Acts:Other articles of the Commercial Code; Certificate of Title.

Supersedes:Commercial Code Article 9 (1972)