

COLORADO COMMISSION ON UNIFORM STATE LAWS

Annual Report for 2022-23

January 3, 2023

I. PREAMBLE

To the Honorable Governor, Jared Polis; the Chief Justice of the Colorado Supreme Court, Brian D. Boatright; the Chief Judge of the Colorado Court of Appeals, Gilbert M. Román; the President of the Senate, Stephen Fenberg; the Speaker-elect of the House of Representatives, Julie McCluskie and the members of the Colorado General Assembly. The Colorado Commission on Uniform State Laws (CCUSL) respectfully submits this Annual Report.

II. OVERVIEW OF UNIFORM LAW COMMISSION

The Uniform Law Commission (ULC), also known as the National Conference of Commissioners on Uniform State Laws, has worked for the uniformity of state laws since 1892. It is comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Each jurisdiction determines the method of appointment and the number of commissioners appointed. The statutory authority governing Colorado's uniform law commission can be found in part 6 of article 3 of title 2, Colorado Revised Statutes.

There is only one fundamental requirement for the more than 300 uniform law commissioners: that they are members of the bar. While some commissioners serve as state legislators and other state officials, most are practitioners, judges, and law professors. Uniform law commissioners serve for specific terms and receive no salaries or fees for their work with the Uniform Law Commission.

Commissioners study and review the law of the states to determine which areas of law should be uniform. 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. The ULC can only propose – no uniform law is effective until a state legislature adopts it.

The work of the ULC simplifies the legal life of businesses and individuals by providing rules and procedures that are consistent from state to state. Representing both state government and the legal profession, it is a genuine coalition of state interests. It has sought to bring uniformity to the divergent legal traditions of more than 50 jurisdictions – and has done so with significant success.

III. HISTORY

On August 24, 1892, representatives from seven states – Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey and Pennsylvania – met in Saratoga Springs, New York, to form what is now known as the Uniform Law Commission. By 1912, every state was participating in the ULC. The U.S. Virgin Islands was the last jurisdiction to join, appointing its first commission in 1988.

Very early on the ULC became known as a distinguished body of lawyers. The ULC has attracted some of the best of the profession. In 1901, Woodrow Wilson became a member. This, of course, was before his more notable political prominence and service as President of the United States. Several persons, later to become Justices of the Supreme Court of the United States, have been members: former Justices Brandeis, Rutledge, and Souter, and former Chief Justice Rehnquist. Legal scholars have served in large numbers, including Professors Wigmore, Williston, Pound, and Bogert. Many more distinguished lawyers have served since 1892.

In each year of service, the ULC steadily increased its contribution to state law. Since its founding, the ULC has drafted more than 200 uniform laws on numerous subjects and in various fields of law, setting patterns for uniformity across the nation. Uniform Acts include the Uniform Probate Code, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Anatomical Gift Act, the Uniform Interstate Family Support Act, the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Prudent Management of Institutional Funds Act.

Most significant was the 1940 ULC decision to attack major commercial problems with comprehensive legal solutions – a decision that set in motion the project to produce the Uniform Commercial Code (UCC). Working with the American Law Institute, the UCC took ten years to draft and another 14 years before it was enacted across the country. It remains the signature product of the ULC.

Today the ULC is recognized primarily for its work in commercial law, family law, the law of probate and estates, the law of business organizations, health law, and conflicts of law.

The Uniform Law Commission arose out of the concerns of state government for the improvement of the law and for better interstate relationships. Its sole purpose has been, and remains, service to state government and improvement of state law.

IV. DIVERSITY STATEMENT

Each member jurisdiction determines the number of uniform law commissioners it appoints to the Uniform Law Commission, the terms of uniform law commissioners, and the individuals who are appointed from the legal profession of that jurisdiction. The Uniform Law Commission encourages the appointing authorities to consider, among other factors, diversity of membership in their uniform law commissions, including race, ethnicity, and gender in making appointments. The Uniform Law Commission does its best work when the uniform law commissioners are drawn from diverse backgrounds and experiences.

V. PROCEDURES

The ULC convenes as a body once a year. It meets for a period of six or seven days, usually in late July or early August. In the interim period between these annual meetings, drafting committees composed of commissioners meet to supply the working drafts that are considered at the annual meeting. At each annual meeting, the work of the drafting committees is read and debated. Each Act must be considered over a substantial period of years. No Act becomes officially recognized as a Uniform Act until the Uniform Law Commission is satisfied that it is ready for consideration in the state legislatures. It is then put to a vote of the states, during which each state caucuses and votes as a unit.



The governing body is the ULC Executive Committee, and is composed of the officers, certain ex officio members, and members appointed by the ULC President. Certain activities are conducted by standing committees. For example, the Committee on Scope and Program considers all new subject areas for possible Uniform Acts. The Legislative Committee superintends the relationships of the ULC to the state legislatures.

A small staff located in Chicago operates the national office of the ULC. The national office handles meeting arrangements, publications, legislative liaison, and general administration for the ULC.

The ULC maintains relations with several sister organizations. Official liaison is maintained with the American Bar Association, which provides advisors to all ULC drafting committees and many ULC study committees. Liaison is also maintained with the American Law Institute, the Council of State Governments, the National Conference of State Legislatures, the National Association of Secretaries of State, the Conference of Chief Justices, and the National Center for State Courts on an ongoing basis and as-needed basis. Liaison and activities are conducted with other associations as interests and activities necessitate.

VI. ACTIVITIES OF THE COLORADO COMMISSIONERS

- A. The Colorado Commissioners are:
 - a. Alicia Duran
 - b. Bob Gardner, Senator

- c. Thomas T. Grimshaw
- d. Claire B. Levy
- e. Yelana Love
- f. Anne McGihon
- g. Donald E. Mielke
- h. Charles W. Pike
- i. Sara Scott
- j. Kerry Tipper, Representative

B. The ULC committee assignments in 2022 for Commissioners from Colorado were:

Alicia Duran - No current committee assignments

Bob Gardner

- Member, Technology Committee
- Member, Standby Committee on Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act

Thomas Grimshaw - No current committee assignments

Claire Levy

- Member, Standby Committee on Uniform Pretrial Release and Detention Act
- Vice Chair, Standby Committee on Model Public Meetings During Emergencies Act
- Member, Standby Committee on Revised Uniform Unclaimed Property Act
- Member, Standby Committee on Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act
- Member, Standby Committee on Revised Uniform Parentage Act

Yelana Love

- Member, Legislative Attorneys Committee
- Member, Legislative Committee

Anne McGihon

- Member, Automated Technology Liability Committee
- Member, Standby Committee on Uniform Easement Relocation Act

Donald Mielke

- Member, Standby Committee on Highly Automated Vehicles Act
- Member, Enactment Committee on Uniform Athlete Agents Act
- Member, Automated Technology Liability Committee
- Member, Standby Committee on Amendments to the Uniform Common Interest Ownership Act
- Member, Standby Committee on Uniform Electronic Estate Planning Documents Act

Charley Pike - No current committee assignments

Sara Scott - No current committee assignments

Kerry Tipper

- Member, Legislative Committee
- Member, Legislative Council
- Member, Standby Committee on Uniform Personal Data Protection Act

C. Meetings held by the Colorado Commissioners in the year 2022 were:

- a. January 14, 2022
- b. December 7, 2022

D. Colorado Commissioners attending sessions of the ULC Annual Meeting were:

- a. Bob Gardner, Senator
- b. Claire Levy
- c. Yelana Love
- d. Anne McGihon
- e. Donald Mielke
- f. Charles Pike

E. Lifetime Members of the Colorado Commission on Uniform State Laws are:

- a. Thomas T. Grimshaw
- b. Donald E. Mielke
- c. Charles W. Pike

VII. A SUMMARY OF NEW ULC ACTS

The following are summaries of new acts adopted in final form by the ULC at the most recent ULC annual meeting:

Uniform Commercial Code and Emerging Technologies. The 2022 Amendments to the Uniform Commercial Code (UCC) update and modernize the UCC to address emerging technologies. A new UCC Article 12 on Controllable Electronic Records governs transactions involving new types of digital assets (such as virtual currencies, electronic money, and nonfungible tokens), and corresponding changes to UCC Article 9 address security interests in digital assets. The 2022 amendments also update terminology to account for digital records, electronic signatures, and distributed ledger technology, provide rules for electronic negotiable instruments, and clarify the rules for UCC applicability to hybrid transactions involving both goods and services.

Uniform Alcohol Direct-Shipping Compliance Act. The Uniform Alcohol Direct-Shipping Compliance Act enhances an enacting state's capability to detect and stop unlawful direct-to-consumer ("DTC") shipments of alcoholic beverages to the state's residents. The Act integrates with existing state law as to whether DTC shipping is allowed, and for which types of alcoholic beverages. The Act does not create new or additional authorization burdens to ship alcoholic beverages directly to a consumer. Instead, the Act creates new tools for state regulators to use to ensure that existing state laws regarding DTC shipping are obeyed. For instance, the Act provides state regulators a mechanism for distinguishing between DTC shipments originating from shippers licensed under the state's existing law and DTC shipments originating from non-licensed shippers.

Uniform Electronic Estate Planning Documents Act. The Uniform Electronic Estate Planning Documents Act will fill a gap in the law regarding the execution of certain estate planning documents, including trusts and powers of attorney. The Uniform Electronic Transactions Act (UETA) authorizes the electronic execution of bilateral contracts if the

parties to a transaction agree, and requires two parties. However, trusts, powers of attorney, and some other types of estate planning documents fell into a legal grey area where the law governing electronic execution was ambiguous, the Uniform Electronic Estate Planning Documents Act clarifies that these documents may also be executed in electronic form with only one party.

Model Public Meetings During Emergencies Act. The Covid-19 pandemic has highlighted the need for public bodies to meet when disasters and other emergencies make in-person meetings of public bodies either impossible or inadvisable. The Model Public Meetings During Emergencies Act is intended to provide a process to ensure that important public meetings can go forward when these events occur consistent with protecting public access to meetings. The Act builds on existing state laws authorizing the declaration of emergencies and subjecting public meetings to various procedural and public access requirements. This Act is intended to work in harmony with those laws, particularly open meetings and other laws providing for public comment on and participation in the deliberations of public bodies.

Uniform Telehealth Act. In recent years, improvements in telecommunication technologies have transformed the delivery of health care. The arrival of the Covid-19 pandemic greatly expanded patient demand for telehealth services. To meet patient needs, many states chose to modify licensure and other requirements that served as barriers to the delivery of telehealth services. Today, many states are re-examining laws related to telehealth, often with an eye toward expanding access to care while maintaining protections for patients. The Uniform Telehealth Act has two broad goals. The first is to make clear that, as a general matter, health care services may be provided through telehealth, if doing so is consistent with applicable professional practice standards and the practitioner's scope of practice, as defined by the state in which the patient is located. The second goal is to establish a registration system for practitioners who hold licenses in other states. This Act permits a registered practitioner to provide telehealth services to patients located in the state adopting the Act.

VIII. RECOMMENDATIONS FOR ENACTMENT AND FOR OTHER ACTION

The Colorado Commission held a meeting on December 7, 2022, to discuss this year's ULC-approved acts, as well as continue discussions regarding ULC-approved acts from prior years, in order to make legislative recommendations to the General Assembly. The Commission will meet again on January 13, 2023 to finalize its 2023 Legislative Agenda.

The Commission is considering, based on benefit to Colorado and direction and feedback received from stakeholders, including representatives of the Colorado Bar Association, other business associations, and governmental entities, the following Uniform and Model Acts for introduction during the 2023 legislative session:

- *Uniform Community Property Disposition at Death Act (2021);*
- *Uniform Easement Relocation Act (2020);*
- *Uniform Family Arbitration Act (2016);*
- *Uniform Prevention of and Remedies for Human Trafficking Act (2013);*
- *Uniform Public Expression Protection Act (2020);*

- *2022 Amendments to the UCC;*
- *Uniform Unregulated Child Custody Transfer Act (2021);*
- *Uniform Electronic Estate Planning Documents Act (2022); and*
- *Public Meetings During Emergencies Model Act (2022).*

Uniform acts introduced in Colorado during the 2022 legislative session:

Bill No.	Bill Topic	Final Status
2022		
HB22-1216	Uniform Restrictive Employment Agreement Act	Postponed indefinitely
SB22-092	Update Colorado Probate Code	Signed into Law
SB22-122	Uniform Voidable Transactions Act	Postponed indefinitely

IX. ENACTMENT RECORD, TO DATE

Colorado has an enviable record for enacting Uniform Acts. More than one hundred individual acts have been adopted in Colorado. A complete listing of Uniform Acts adopted by Colorado is attached as Appendix A.

APPENDIX A

Uniform and Model Acts adopted by Colorado with the year that *Colorado* adopted the act designated in parenthesis.

Act Regulating Traffic on Highways (1931)
Adult Guardianship and Protective Proceedings
Jurisdiction Act (Probate Code) (2008)
Alcoholism and Intoxication Treatment Act (1973)
Anatomical Gift Act (1969) and (2007)
Arbitration Act (1975) and (2004)
Athlete Agents Act (2008)
Attendance of Out of State Witnesses (1939)
Certification of Questions of Law Act (1969)
Child Abduction Prevention Act (2007)
Child Custody Jurisdiction Act (1973)
Child Custody Jurisdiction and Enforcement Act (2000)
Collaborative Law Act (2021)
Commercial Code (1965)
Commercial Code, Article 1 (2006)
Commercial Code, Article 2A (1991)
Commercial Code, Articles 3 & 4 (1994)
Commercial Code, Article 4A (1990)
Commercial Code, Article 4A (2012 Amendments) (2013)
Commercial Code, Article 5 (1996)
Commercial Code, Article 6 Repeal (1991)
Commercial Code, Article 7 (2006) and (2007)
Commercial Code, Article 8 (1985 Amendments) (1996)
Commercial Code, Article 9 Amendments (1977)
Commercial Code, Article 9 (2001)
Commercial Code, Article 9 Amendments (2002)
Commercial Code, Article 9 Amendments (2012)
Common Interest Ownership Act (1991)
Common Trust Fund Act (1947)
Conflict of Law Limitations Act (1984)
Consumer Credit Code (1971)
Controlled Substances Act (1992)
Contribution Among Tortfeasors Act, Revised 1955 (1977)
Criminal Extradition Act (1953)
Custodial Trust Act (1999)
Debt-Management Services Act (2007)
Deceptive Trade Practices Act, Revised 1966 (1969)
Declaratory Judgments Act (1923)
Deployed Parents Custody and Visitation Act (2013)
Determination of Death Act (1981)
Directed Trust Act (2019)
Disclaimer of Property Interests Act (Probate Code) (2011)
Disposition of Community Property Rights at Death Act
(1973)
Division of Income for Tax Purposes Act (1968)
Durable Power of Attorney Act (1973)
Duties to Persons with Medical ID Devices Act (1973)
Electronic Legal Material Act (2012)
Electronic Transactions Act (2002)
Electronic Wills Act (2021)
Emergency Volunteer Health Practitioners Act (2007)
Enforcement of Foreign Judgments Act, Revised 1964
(1969)
Estate Tax Apportionment Act (Probate Code) (2011)
Facsimile Signatures of Public Officials Act (1969)
Federal Lien Registration Act, Revised 1966 (1969)
Fiduciaries Act (1923)
Fiduciary Access To Digital Assets (2016)
Fiduciary Income and Principle Act (2021)
Foreign-country Money Judgments Recognition Act
(2008)
Foreign Money Claims Act (1990)
Fraudulent Transfers (1991)
Gifts to Minors Act, Revised 1966 (1967)
Guardianship & Protective Proceedings Act (Probate
Code) (2000)
Insurers Liquidation Act (1955)
Interstate Arbitration of Death Taxes Act (1953)
Interstate Compromise of Death Taxes Act (1953)
Interstate Depositions and Discovery Act (2008)
Interstate Family Support Act (1993), (2003), and (2015)
Judicial Notice of Foreign Law Act (1967)
Jury Selection and Service Act (1971)
Limited Cooperative Associations Act (2011)
Limited Partnership Act (1931)
Limited Partnership Act, Revised 1976 (1981)
Management of Institutional Funds Act (1973)
Mandatory Disposition of Detainers Act (1969)
Marriage and Divorce Act (1971)
Military and Overseas Voters Act (2011)
Motor Vehicle Operators' and Chauffeurs' License Act
(1931)
Motor Vehicle Registration Act (1931)
Narcotic Drug Act (1935)
Negotiable Instruments Law (1897)
Notarial Acts, Revised (2017)
Parentage Act (1977)
Partnership Act (1931)
Partnership Act, Revised 1994 (1997)
Photographic Copies of Business and Public Records
as Evidence Act (1955)
Power of Attorney Act (2009)
Powers of Appointment Act (2014)
Premarital and Marital Agreements Act (2013)
Principal and Income Act (1955) and (2000)
Principal and Income Act, Amendments (2009)
Probate Code (1973)
Probate Code, Amendments (1975) and (2009)
Probate Code, Article II Amendments (1994)
Probate Code, Article VI Amendments (1990)
Probate Code, 2019 Amendments (2022)
Prudent Investor Act (1995)

Prudent Management of Institutional Funds Act (2008)
Reciprocal Enforcement of Support Act (1951)
Reciprocal Enforcement of Support Act, Amended 1958
(1961)
Reciprocal Enforcement of Support Act, Amended,
Revised 1968 (1971)
Reciprocal Transfer Tax Act (1943)
Recognition of Acknowledgments Act (1969)
Registration of Canadian Money Judgments Act (2020)
Rendition of Accused Persons Act (1972)
Rule Against Perpetuities (Probate Code) (1991)
Sales Act (1941)
Securities Act (1961)
Simplification of Fiduciary Security Transfers Act (1959)
Simultaneous Death Act (1943)
Simultaneous Death Act, Amended 1953 (1967)
Statutory Construction Act (1973)
Statutory Form Power of Attorney Act (1992)
Stock Transfer Act (1927)
TOD Security Registration Act (Probate Code) 1994
Trade Secrets Act (1983)
Trade Secrets Act, Amended 1985 (1986)
Transboundary Pollution Reciprocal Access (1984)
Transfer of Dependents Act (1937)
Transfers to Minors Act (1984)
Trust Code, 2010 Insurable Interest Amendments (2011)
Trust Code, Colorado (2018), Part 5 (2021)
Trust Decanting Act (2016)
Unauthorized Disclosure of Intimate Images Act (2019)
Unclaimed Property Act (1987), Revised (2019)
Unincorporated Nonprofit Association Act (1994)
Unsworn Declarations Act (2017)
Unsworn Foreign Declarations Act (2009)
Veteran's Guardianship Act (1929)
Veteran's Guardianship Act, Revised 1942 (1945)
Victims of Crime (1992)
Warehouse Receipts Act (1911)
Warehouse Receipts Act, Amended 1922 (1923)