



Date: December 4, 2020
To: All Uniform Law Commissioners
From: Carl Lisman, ULC President

ULC Acts Available to Assist the States during the COVID-19 Crisis

This past year, as the COVID-19 crisis upended normal legislative activity, the Legislative Council worked with the Legislative Staff to identify ULC acts that may be helpful in the current crisis. We hope that you will consider these acts for introduction in your state next year, as being prepared will help with the next crisis.

Below is a list of relevant acts, updated as of November 2020, with a brief summary and a brief description of why the act is particularly useful during this crisis, followed by a chart showing which acts your state has enacted and which ones it has not enacted. As always, the ULC Leadership, Legislative Council, and Legislative Staff are ready to assist you with your enactment efforts. We appreciate all that you do.

- **Uniform Electronic Wills Act (2019)**

Summary. The Uniform Electronic Wills Act (UEWA) permits testators to execute a will electronically and allows probate courts to give electronic wills legal effect. Under the Uniform Electronic Wills Act, approved in 2019, the testator and witnesses can execute a will electronically using secure technology without being present in the same room. An electronic will can be made self-proving for probate by a notary's contemporaneous acknowledgment of its execution – including a remote online notary if permitted under state law. The act also allows the enacting state's courts to recognize electronic wills executed under the law of another state.

Why the Act is relevant now. Estate planning attorneys increasingly need to meet with their clients remotely. Trusts and other documents can be signed electronically under current laws, and the UEWA fills a gap by allowing wills to be executed in the same manner. For a generation that is used to banking, communicating, and transacting business online, the Uniform Electronic Wills Act will allow online estate planning while maintaining safeguards to help prevent fraud and coercion.

Staff Liaison: Ben Orzeske, borzeske@uniformlaws.org or (312) 450-6621

- **Revised Uniform Law on Notarial Acts (2018)**

Summary. The Revised Uniform Law on Notarial Acts (RULONA) is designed to modernize and clarify the law governing notaries public, their responsibilities and duties, and to provide a stable infrastructure for the performance of notarial acts with respect to electronic records. RULONA brings the law governing electronic notarial acts up to par with other laws governing electronic transactions. The act was amended in 2018 to authorize notaries public to perform notarial acts in the state in which they are commissioned for remotely located individuals using audio-visual communication and identity-proofing technology regardless of where the individual may be located.

Why the Act is relevant now. This act updates the ULC’s notarial law statute and permits remote notarization. Remote notarization allows a notarization to take place via technology when the notary and the individual are physically apart. Many governors have issued executive orders permitting remote notarization during the COVID-19 crisis, but those measures are temporary and include many legal gray areas. RULONA provides a lasting, comprehensive framework to perform remote notarization, which offers efficiency and convenience to businesses and individuals.

Staff Liaisons: Kaitlin Wolff, kwolff@uniformlaws.org or (312) 450-6615 and Katie Robinson, krobinson@uniformlaws.org or (312) 450-6616.

- **Uniform Pretrial Release and Detention Act (2020)**

Summary. The Uniform Pretrial Release and Detention Act responds to the need for a comprehensive and balanced statute to guide courts in making pretrial release and detention decisions for the millions of people charged with crimes each year in state court. The Act has three main objectives: (1) To offer a clear, coherent, and workable framework for pretrial release and detention that strikes an appropriate balance between protecting individual liberty and ensuring public safety and the effective administration of justice. (2) To limit restrictions on pretrial liberty to those necessary to meet the state’s compelling interests during the pretrial phase. (3) To provide enough flexibility to accommodate variations in state constitutional structures and policy preferences.

Why the Act is relevant now. Jails and prisons are known to quickly spread contagious diseases, because social distancing is impossible inside and movement in and out of facilities is common. Data shows that nearly two-thirds of those in jail are there awaiting trial, and thus presumed innocent under the law. Their ongoing detention is a risk not only to those held in jail, but to staff and visitors as well. One of the best ways to protect these people and to slow the spread of COVID-19 is to reduce overcrowding in correctional facilities. UPRDA provides a comprehensive procedural framework for release and detention hearings, which will help with the problem of jail overcrowding.

Staff Liaisons: Katie Robinson, krobinson@uniformlaws.org or (312) 450-6616 and Libby Snyder, lsnyder@uniformlaws.org or (312) 450-6619.

- **Uniform Emergency Volunteer Health Practitioners Act (2006)**

Summary. The Uniform Emergency Volunteer Health Practitioners Act (UEVHPA) allows state governments during a declared emergency to give reciprocity to other states' licensees so that covered individuals may provide emergency health services without meeting the disaster state's licensing requirements.

Why the Act is relevant now. UEVHPA makes it easier for volunteer health professionals to assist in emergencies. With our healthcare system under strain due to the current COVID-19 crisis, many states are turning to volunteer health practitioners to help fill-in workforce gaps. This act helps states coordinate the deployment of these critical resources.

The act establishes a system so that healthcare practitioners may register to provide volunteer services either before or during an emergency. It further authorizes healthcare facilities and disaster relief organizations in affected jurisdictions to use registered professionals and to rely on the registration systems to confirm that these professionals are appropriately licensed. These volunteers can provide services for a host entity in another state in which an emergency declaration is in effect, to the same extent as if the practitioners were licensed in the state subject to the disaster declaration.

In response to the current COVID-19 crisis and need to practice social distancing, we are seeing an increased use of telemedicine. Though UEVHPA does not explicitly address the practice of telemedicine, it was drafted in such a way that states may include telemedicine among the health services covered. In addition to authorizing out-of-state health practitioners to physically provide services in a state during a declared emergency, the UEVHPA would also allow the provision of telehealth services to the extent that intrastate telehealth services are authorized by the law of the host state.

Staff Liaison: Lindsay Beaver, lbeaver@uniformlaws.org or (312) 450-6618

- **Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act (2018)**

Summary: This uniform act addresses the disclosure of private images of nudity or sexual conduct without consent, an increasingly common form of abuse that often leads to emotional distress, depression, and anxiety. Victims of this type of abuse have also experienced stalking, harassment, and termination from employment or expulsion from school. Though nearly every state has a criminal statute on the subject, few states provide a civil cause of action for victims. The uniform act creates a civil cause of action; protects victims' identities; and provides various remedies.

Why the Act is relevant now: The pandemic has changed how many of us communicate, leading us to rely on technology to work remotely and stay in touch with friends and family while social distancing. Unfortunately, an increase in technology use and additional free time also mean conditions are ripe for tech abuse, such as the unauthorized disclosure of intimate images. The negative impact on the victim can also be compounded by the stress and depression of isolating at home. The uniform act is relevant because it provides the victim the opportunity to

pursue civil remedies for this abuse. A prevailing plaintiff may recover actual damages, statutory damages, and, where appropriate, punitive damages, and attorney's fees. A plaintiff may also recover an amount equal to the gain made by the defendant from disclosure of the intimate image, if applicable.

Staff Liaison: Kaitlin Wolff, kwolff@uniformlaws.org or (312) 450-6615.

- **Uniform Electronic Legal Materials Act (2011)**

Summary. The Uniform Electronic Legal Materials Act (UELMA) provides a technology-neutral, outcomes-based approach to ensuring that online state legal material deemed official will be preserved and will be permanently available to the public in unaltered form. It furthers state policies of accountability and transparency in providing legal information to the public. The Act requires that official electronic legal material be: (1) *Authenticated*, by providing a method to determine that the legal material is unaltered; (2) *Preserved*, either in electronic or print form; and (3) *Accessible*, for use by the public on a permanent basis.

Why the Act is relevant now. The availability of government information online creates transparency and accountability and provides widespread access to vital information. UELMA addresses the critical need to effectively provide and manage electronic government information in a manner that guarantees trustworthiness and continued access. UELMA provides a framework under which an individual would not need to visit a law library to access official, authentic primary source legal material. This is beneficial to pro se litigants, attorneys, students, and the general public when visiting a law library is difficult or impossible. UELMA establishes a framework to ensure that online legal materials are provided the same level of trustworthiness traditionally associated only with print publication.

Staff Liaison: Libby Snyder, lsnyder@uniformlaws.org or (312) 450-6619

- **Uniform Unsworn Declarations Act (2016) /Uniform Unsworn Domestic Declarations Act (2016) /Uniform Unsworn Foreign Declarations Act (2008)**

Summary. Declarations of persons are routinely received in state and federal courts and agencies. Many – but not all – of the declarations are affidavits and other documents sworn to by declarants before notaries public or authorized officials. These uniform acts permit an unsworn declaration to be treated the same as a sworn declaration if it is made subject to penalties for perjury and contains the information in the model form provided in the acts (certain exceptions apply). If your state has already enacted the Uniform Unsworn Foreign Declarations Act (UUFDA), it should enact the Uniform Unsworn Domestic Declarations Act. If your state has not adopted the UUFDA, it should adopt the Uniform Unsworn Declarations Act.

Why these acts are relevant now. These acts are helpful because they eliminate the need for the declarant to travel or be in the physical presence of an official when making the declaration.

Staff Liaison: Kaitlin Wolff, kwolff@uniformlaws.org or (312) 450-6615

- **Uniform Real Property Electronic Recording Act (2004)**

Summary. The Uniform Real Property Electronic Recording Act (URPERA) allows local recording offices to accept deeds and other property records in electronic form. The act is technology neutral; the enacting state determines recording standards based on current best practices.

Why the Act is relevant now. This act permits a recording office to accept electronic documents, signatures, and seals and requires it to treat them the same as paper documents, written signatures, and physical seals or stamps. This act provides convenience and efficiency so real estate transactions can be documented electronically.

Staff Liaison: Kaitlin Wolff, kwolff@uniformlaws.org or (312) 450-6615

ULC Enactment Information

- RULONA:** Revised Uniform Law on Notarial Acts (2018)
UCRUDIIA: Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act (2018)
UEWA: Uniform Electronic Wills Act (2019)
UEVHPA: Uniform Emergency Volunteer Health Practitioners Act (2006)
UELMA: Uniform Electronic Legal Material Act (2011)
UPRDA: Uniform Pretrial Release and Detention Act (2020)
URPERA: Uniform Real Property Electronic Recording Act (2004)
UUDA: Uniform Unsworn Declarations Act (2016)
UUFDA: Uniform Unsworn Foreign Declarations Act (2008)
UDDA: Uniform Unsworn Domestic Declarations Act (2016)

*Please note: States should enact either the Uniform Unsworn Declarations Act or both the Uniform Unsworn Foreign Declarations Act and the Uniform Unsworn Domestic Declarations Act.

State	Enacted	Not enacted
Alabama	URPERA, UUFDA	UEWA, UEVHPA, RULONA, UELMA, UCRUDIIA, UPRDA, UDDA
Alaska	(None)	UEWA, UEVHPA, RULONA, URPERA, UELMA, UCRUDIIA, UPRDA, UUDA
Arizona	UELMA, URPERA	UEWA, UEVHPA, RULONA, UCRUDIIA, UPRDA, UUDA
Arkansas	UEVHPA, URPERA, UUFDA	UEWA, RULONA, UELMA, UCRUDIIA, UPRDA, UDDA
California	UELMA	UEWA, UEVHPA, RULONA, URPERA, UCRUDIIA, UPRDA, UUDA
Colorado	UCRUDIIA, UEVHPA, UELMA, UUFDA, UUDA	UEWA, RULONA, URPERA, UPRDA
Connecticut	UELMA, URPERA, UUFDA	UEWA, UEVHPA, RULONA, UCRUDIIA, UPRDA, UDDA
Delaware	UELMA, URPERA, UUFDA	UEWA, UEVHPA, RULONA, UCRUDIIA, UPRDA, UDDA
District of Columbia	UEVHPA, UELMA, URPERA, UUFDA	UEWA, RULONA, UCRUDIIA, UPRDA, UDDA
Florida	URPERA	UEWA, UEVHPA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDA
Georgia	UEVHPA, URPERA	UEWA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDA
Hawaii	UELMA, URPERA	UEWA, UEVHPA, RULONA, UCRUDIIA, UPRDA, UUDA

State	Enacted	Not enacted
Idaho	RULONA, UELMA, URPERA, UUFDA	UEWA, UEVHPA, UCRUDIIA, UPRDA, UUDDA
Illinois	UEVHPA, UELMA, URPERA	UEWA, RULONA, UCRUDIIA, UPRDA, UUDA
Indiana	UEVHPA, URPERA, UUFDA	UEWA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDDA
Iowa	RULONA, UELMA	UEWA, UEVHPA, URPERA, UUDA
Kansas	URPERA	UEWA, UEVHPA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDA
Kentucky	UEVHPA, RULONA, URPERA	UEWA, UELMA, UCRUDIIA, UPRDA, UUDA
Louisiana	UEVHPA	UEWA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDA
Maine	UEVHPA	UEWA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDA
Maryland	RULONA, UELMA, URPERA	UEWA, UEVHPA, UCRUDIIA, UPRDA, UUDA
Massachusetts	(None)	UEWA, UEVHPA, RULONA, UELMA, URPERA, UCRUDIIA, UPRDA, UUDA
Michigan	UELMA, URPERA, UUFDA	UEWA, UEVHPA, RULONA, UCRUDIIA, UPRDA, UUDDA
Minnesota	RULONA, UELMA, URPERA, UUFDA	UEWA, UEVHPA, UCRUDIIA, UPRDA, UUDDA
Mississippi	URPERA	UEWA, UEVHPA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDA
Missouri	(None)	UEWA, UEVHPA, RULONA, UELMA, URPERA, UCRUDIIA, UPRDA, UUDA
Montana	RULONA, UUFDA	UEWA, UEVHPA, UELMA, URPERA, UCRUDIIA, UPRDA, UUDDA
Nebraska	UUFDA, UCRUDIIA	UEWA, UEVHPA, RULONA, UELMA, URPERA, UPRDA, UUDDA
Nevada	UEVHPA, UELMA, URPERA, UUFDA	UEWA, RULONA, UCRUDIIA, UPRDA, UUDDA
New Hampshire	(None)	UEWA, UEVHPA, RULONA, UELMA, URPERA, UCRUDIIA, UPRDA, UUDA
New Jersey	(None)	UEWA, UEVHPA, RULONA, UELMA, URPERA, UCRUDIIA, UPRDA, UUDA

State	Enacted	Not enacted
New Mexico	UEVHPA, URPERA, UUFDA	UEWA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDDA
New York	URPERA, UUFDA	UEWA, UEVHPA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDDA
North Carolina	URPERA	UEWA, UEVHPA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDA
North Dakota	UEVHPA, RULONA, UELMA, UUFDA, UUDDA	UEWA, UCRUDIIA, UPRDA, URPERA
Ohio	UELMA	UEWA, UEVHPA, RULONA, URPERA, UCRUDIIA, UPRDA, UUDA
Oklahoma	UEVHPA, URPERA, UUFDA	UEWA, RULONA, UELMA, UUDDA
Oregon	UELMA, UUFDA	UEWA, UEVHPA, RULONA, URPERA, UCRUDIIA, UPRDA, UUDDA
Pennsylvania	UELMA, URPERA, RULONA, UUFDA, UUDA	UEWA, UEVHPA, UCRUDIIA, UPRDA
Puerto Rico	(None)	UEWA, UEVHPA, RULONA, UELMA, URPERA, UCRUDIIA, UPRDA, UUDA
Rhode Island	URPERA	UEWA, UEVHPA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDA
South Carolina	URPERA	UEWA, UEVHPA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDA
South Dakota	RULONA, URPERA, UUFDA, UCRUDIIA, UUDDA	UEWA, UEVHPA, UPRDA, UELMA
Tennessee	UEVHPA, URPERA, UUFDA	UEWA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDDA
Texas	UEVHPA, UELMA, URPERA	UEWA, RULONA, UCRUDIIA, UPRDA, UUDA
U.S. Virgin Islands	UEVHPA, URPERA	UEWA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDA
Utah	UEWA, UEVHPA, UELMA, URPERA, UUFDA, UUDA	UCRUDIIA, UPRDA, RULONA
Vermont	(None)	UEWA, UEVHPA, RULONA, UELMA, URPERA, UCRUDIIA, UPRDA, UUDA
Virginia	URPERA	UEWA, UEVHPA, RULONA, UELMA, UCRUDIIA, UPRDA, UUDA
Washington	UEVHPA, RULONA, UELMA, URPERA, UUFDA, UUDA	UCRUDIIA, UPRDA, UEWA

State	Enacted	Not enacted
West Virginia	UEVHPA, UELMA, URPERA	UEWA, RULONA, UUDA
Wisconsin	RULONA, URPERA, UUFDA	UEWA, UEVHPA, UELMA, UUDA
Wyoming	URPERA	UEWA, UEVHPA, RULONA, UELMA, UUDA