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**UNIFORM LAW FOUNDATION**

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Date: May 1, 2020  
To: ULC Legislative Liaisons  
From: Carl Lisman, ULC President

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

If your state's legislature is still meeting, please consider whether you would recommend introduction of any the following acts, all of which are relevant in light of the current COVID-19 pandemic. If your legislature is no longer meeting or if you would not recommend introduction during the current session, please consider these acts for your plan for next year, as being prepared will help with the next crisis.

Below is the list of relevant acts, 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.

- **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.

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- **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.

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- **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.

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- **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.

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- **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.

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- **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.

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### ULC Enactment Information

**RULONA:** Revised Uniform Law on Notarial Acts (2018)

**UEWA:** Uniform Electronic Wills Act (2019)

**UEVHPA:** Uniform Emergency Volunteer Health Practitioners Act (2006)

**UELMA:** Uniform Electronic Legal Material Act (2011)

**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
<b>Alabama</b>	URPERA, UUFDA	UEWA, UEVHPA, RULONA, UELMA, UDDA
<b>Alaska</b>	(None)	UEWA, UEVHPA, RULONA, URPERA, UELMA, UUDA
<b>Arizona</b>	UELMA, URPERA	UEWA, UEVHPA, RULONA, UUDA
<b>Arkansas</b>	UEVHPA, URPERA, UUFDA	UEWA, RULONA, UELMA, UDDA
<b>California</b>	UELMA	UEWA, UEVHPA, RULONA, URPERA, UUDA
<b>Colorado</b>	UEVHPA, UELMA, UUFDA, UUDA	UEWA, RULONA, URPERA

<b>State</b>	<b>Enacted</b>	<b>Not enacted</b>
<b>Connecticut</b>	UELMA, URPERA, UUFDA	UEWA, UEVHPA, RULONA, UUDDA
<b>Delaware</b>	UELMA, URPERA, UUFDA	UEWA, UEVHPA, RULONA, UUDDA
<b>District of Columbia</b>	UEVHPA, UELMA, URPERA, UUFDA	UEWA, RULONA, UUDDA
<b>Florida</b>	URPERA	UEWA, UEVHPA, RULONA, UELMA, UUDA
<b>Georgia</b>	UEVHPA, URPERA	UEWA, RULONA, UELMA, UUDA
<b>Hawaii</b>	UELMA, URPERA	UEWA, UEVHPA, RULONA, UUDA
<b>Idaho</b>	RULONA, UELMA, URPERA, UUFDA	UEWA, UEVHPA, UUDDA
<b>Illinois</b>	UEVHPA, UELMA, URPERA	UEWA, RULONA, UUDA
<b>Indiana</b>	UEVHPA, URPERA, UUFDA	UEWA, RULONA, UELMA, UUDDA
<b>Iowa</b>	RULONA, UELMA	UEWA, UEVHPA, URPERA, UUDA
<b>Kansas</b>	URPERA	UEWA, UEVHPA, RULONA, UELMA, UUDA
<b>Kentucky</b>	UEVHPA, RULONA, URPERA	UEWA, UELMA, UUDA
<b>Louisiana</b>	UEVHPA	UEWA, RULONA, UELMA, UUDA
<b>Maine</b>	UEVHPA	UEWA, RULONA, UELMA, UUDA
<b>Maryland</b>	RULONA, UELMA, URPERA	UEWA, UEVHPA, UUDA
<b>Massachusetts</b>	(None)	UEWA, UEVHPA, RULONA, UELMA, URPERA, UUDA
<b>Michigan</b>	UELMA, URPERA, UUFDA	UEWA, UEVHPA, RULONA, UUDDA
<b>Minnesota</b>	RULONA, UELMA, URPERA, UUFDA	UEWA, UEVHPA, UUDDA
<b>Mississippi</b>	URPERA	UEWA, UEVHPA, RULONA, UELMA, UUDA

<b>State</b>	<b>Enacted</b>	<b>Not enacted</b>
<b>Missouri</b>	(None)	UEWA, UEVHPA, RULONA, UELMA, URPERA, UUDA
<b>Montana</b>	RULONA, UUFDA	UEWA, UEVHPA, UELMA, URPERA, UUDA
<b>Nebraska</b>	UUFDA	UEWA, UEVHPA, RULONA, UELMA, URPERA, UUDA
<b>Nevada</b>	UEVHPA, UELMA, URPERA, UUFDA	UEWA, RULONA, UUDA
<b>New Hampshire</b>	(None)	UEWA, UEVHPA, RULONA, UELMA, URPERA, UUDA
<b>New Jersey</b>	(None)	UEWA, UEVHPA, RULONA, UELMA, URPERA, UUDA
<b>New Mexico</b>	UEVHPA, URPERA, UUFDA	UEWA, RULONA, UELMA, UUDA
<b>New York</b>	URPERA, UUFDA	UEWA, UEVHPA, RULONA, UELMA, UUDA
<b>North Carolina</b>	URPERA	UEWA, UEVHPA, RULONA, UELMA, UUDA
<b>North Dakota</b>	UEVHPA, RULONA, UELMA, UUFDA, UUDA	UEWA, URPERA
<b>Ohio</b>	UELMA	UEWA, UEVHPA, RULONA, URPERA, UUDA
<b>Oklahoma</b>	UEVHPA, URPERA, UUFDA	UEWA, RULONA, UELMA, UUDA
<b>Oregon</b>	UELMA, UUFDA	UEWA, UEVHPA, RULONA, URPERA, UUDA
<b>Pennsylvania</b>	UELMA, URPERA, UUFDA	UEWA, UEVHPA, RULONA, UUDA
<b>Puerto Rico</b>	(None)	UEWA, UEVHPA, RULONA, UELMA, URPERA, UUDA
<b>Rhode Island</b>	URPERA	UEWA, UEVHPA, RULONA, UELMA, UUDA
<b>South Carolina</b>	URPERA	UEWA, UEVHPA, RULONA, UELMA, UUDA
<b>South Dakota</b>	RULONA, URPERA, UUFDA, UUDA	UEWA, UEVHPA, UELMA
<b>Tennessee</b>	UEVHPA, URPERA, UUFDA	UEWA, RULONA, UELMA, UUDA

<b>State</b>	<b>Enacted</b>	<b>Not enacted</b>
<b>Texas</b>	UEVHPA, UELMA, URPERA	UEWA, RULONA, UUDA
<b>U.S. Virgin Islands</b>	UEVHPA, URPERA	UEWA, RULONA, UELMA, UUDA
<b>Utah</b>	UEVHPA, UELMA, URPERA, UUFDA, UUDA	UEWA, RULONA
<b>Vermont</b>	(None)	UEWA, UEVHPA, RULONA, UELMA, URPERA, UUDA
<b>Virginia</b>	URPERA	UEWA, UEVHPA, RULONA, UELMA, UUDA
<b>Washington</b>	UEVHPA, RULONA, UELMA, URPERA, UUFDA, UUDA	UEWA
<b>West Virginia</b>	UEVHPA, UELMA, URPERA	UEWA, RULONA, UUDA
<b>Wisconsin</b>	RULONA, URPERA, UUFDA	UEWA, UEVHPA, UELMA, UUDA
<b>Wyoming</b>	URPERA	UEWA, UEVHPA, RULONA, UELMA, UUDA