



North Dakota Legislative Council

Prepared for the Judiciary Committee

LC# 23.9335.01000

September 2022

RECOMMENDATIONS OF THE NORTH DAKOTA COMMISSION ON UNIFORM STATE LAWS - 2023 LEGISLATIVE SESSION

North Dakota Century Code Section 54-55-01 establishes the North Dakota Commission on Uniform State Laws, consisting of:

- An individual engaged in the practice of law in this state (Jacob Rodenbiker);
- The dean or a full-time member of the faculty of the law school of the University of North Dakota (Bradley Myers);
- A law-trained judge of a court of record in this state (Supreme Court Justice Jerod E. Tufte);
- A member of the House of Representatives (Representative Lawrence R. Klemin);
- A member of the Senate (Senator David Hogue);
- A member of the Legislative Council staff (Jennifer S. N. Clark);
- A member appointed by the Attorney General (Parrell D. Grossman);
- Any residents of this state who, because of long service in the cause of uniformity of state legislation, have been elected life members of the National Conference of Commissioners on Uniform State Laws (Owen L. Anderson, Jay E. Buringrud, District Judge Gail H. Hagerty, and Candace Zierdt); and
- Any residents of this state who have been previously appointed to at least 5 years of service on the commission (David Nething).

Commissioners are required to attend the annual meeting of the National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission (ULC), and to promote uniformity in state laws on those subjects for which uniformity may be deemed desirable and practicable. Under Section 54-55-04, the commission may submit its recommendations for enactment of the uniform and model laws to the Legislative Management for its review and recommendation.

On June 27, 2022, the commission met and recommended the following three uniform Acts for introduction during the 2023 legislative session:

- Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act (UCRUDIIA), which the ULC approved in 2018, addresses the disclosure of private images of nudity or sexual conduct without consent. The Act creates a civil cause of action; protects victims' identities; and provides various remedies. The UCRUDIIA has been enacted by seven states. A copy of the ULC summary of the Act is attached as [Appendix A](#).
- Uniform Commercial Code (UCC) amendments, which the ULC approved in 2022. The amendments to the UCC address emerging technologies, providing updated rules for commercial transactions involving virtual currencies, distributed ledger technologies (including blockchain), artificial intelligence, and other technological developments. The amendments span almost every article of the UCC and add a new Article 12 addressing certain types of digital assets defined as "controllable electronic records" (CERs). The amendments provide new default rules to govern transactions involving these new technologies and clarify the UCC's applicability to mixed transactions involving both goods and services. The amendments also contain some miscellaneous revisions unrelated to technological developments but providing needed clarification. A copy of the ULC summary of the amendments is attached as [Appendix B](#).
- Revised Uniform Law on Notarial Acts (RULONA), which the ULC approved in 2010 and most recently revised in 2021. Amendments to the RULONA, including a new Section 14A on remote notarization, were approved by the ULC in 2018, resulting in RULONA (2018). The ULC approved further amendments to the uniform Act in 2021 to accommodate remote ink notarization and to establish that a notary may administer an oath or affirmation remotely via communication technology. North Dakota enacted RULONA in 2011 and enacted the 2018 amendments in 2019. A copy of the ULC summary of the Act is attached as [Appendix C](#).