



UCITA TIMELINE

1990-1998

- Early efforts to amend Article 2 of the Uniform Commercial Code (UCC) evolve into separate effort to draft a computer information law known as UCC-2B
- American Law Institute (ALI) works with NCCUSL in drafting process. ALI collaborates with NCCUSL in the promulgation of the UCC so that any proposed changes usually reflect the consensus of both bodies.

1999

- In an unprecedented move, ALI withdraws from drafting UCC2B
- NCCUSL renames UCC2B as Uniform Computer Information Transactions Act (UCITA)
- 26 state attorneys general send a letter to NCCUSL opposing UCITA
- NCCUSL gives UCITA final approval as a uniform law

2000

- UCITA introduced in 6 states; passes in Virginia and Maryland
- Iowa enacts a UCITA “bomb-shelter”¹ law protecting its citizens from certain UCITA provisions
- 4Cite, later renamed AFFECT, forms as a national coalition to oppose UCITA

2001

- UCITA is introduced and fails in 8 state legislatures
- UCITA “bomb-shelter” legislation passes in West Virginia and North Carolina
- The American Bar Association (ABA) tables a resolution to reject UCITA and appoints the ABA UCITA Working Group to review the act
- 33 state attorneys general voice concerns about UCITA’s impact on consumers’ rights in a letter to NCCUSL
- UCITA Standby Committee² holds amendment hearings; 80 amendments are submitted by diverse set of stakeholders; refers 19 amendments for NCCUSL approval

2002

- ABA UCITA Working Group makes 18 recommendations for change and points out “that UCITA should be redrafted to make it easier to understand and use”
- NCCUSL approves UCITA Standby Committee revisions

2003

- NCCUSL submits resolution to the ABA House of Delegates for “approval” of UCITA³
- None of the six ABA sections and two committees charged with considering the resolution voted to approve it⁴
- The President of the American Law Institute (ALI) advises the ABA House of Delegates that he would not vote to approve UCITA
- Seven of the nine members of the ABA UCITA Working Group advise the House of Delegates that UCITA should not be approved⁵
- NCCUSL withdraws the UCITA resolution from consideration at the ABA House of Delegates

¹ UCITA “bomb-shelter” legislation is a coined phrase that refers to defensive legislation to protect a state’s citizens from choice of law or choice of forum provisions that would be determined by UCITA as passed in another state.

² Formerly the UCITA Drafting Committee

³ ABA and NCCUSL have a longstanding agreement that NCCUSL will submit uniform laws for approval by the ABA House of Delegates. This approval indicates that the ABA agrees that the statute is ready for consideration by state legislatures. This step normally occurs before an act proceeds to the states.

⁴Business Law, Intellectual Property, Torts and Insurance Practices, Litigation, Science and Technology sections; Section Officers Council Technology Committee and the ABA Standing Committee on Law & National Security