

UCITA FLASH REPORT

UCITA Introductions... 2 Enactments... 0
 “Bomb-shelters”... 3 Enactments... 1

UCITA active in Oklahoma and Nevada

UCITA may have failed to receive the approval of the American Bar Association in February, but the proponents have still been moving forward. Unable to spark enough support for UCITA again in Arizona, Texas, District of Columbia or Utah they have succeeded in generating only two introductions in this year’s state legislative sessions.

UCITA was introduced in the **Oklahoma** Senate (SB 697) early in the session and referred to the Appropriations Committee where it is considered dead. However, a late introduction in the House is still a possibility.

Ed Johnson, Director of Libraries at Oklahoma State University, has been leading the library community in opposing UCITA. The libraries have joined with a strong coalition of opponents including consumer advocates, ConocoPhillips and Boeing.

UCITA was introduced in the **Nevada** Senate and slated for a hearing on April 4 in the Judiciary Committee. The libraries were instrumental in capturing the attention of the Attorney General’s office and promoting its active opposition. A concerted effort by libraries, insurance companies, manufacturing concerns and consumers convinced the sponsor to withdraw the bill before the hearing. No further UCITA action is expected in Nevada.

States to watch

Shortly after withdrawing the UCITA resolution at the American Bar Association meeting this year, the proponents publicly stated that they would pursue passage of the Act in a number of states. Their efforts have failed in **Arizona, Colorado, District of Columbia, Texas, Utah and Nevada**. Introductions are still possible in at least **Delaware and Wisconsin**.

Interest in “bomb-shelter” legislation grows

Even if UCITA were never to pass anywhere else, its influence can be felt in other states. UCITA allows licensors to select the law of state with no relationship to the contracting parties to govern a contract and to specify that any conflicts regarding the contract be litigated in that state as well. For example, a licensor from California could choose the law of Virginia or Maryland (the only 2 states with UCITA enactments) and thereby effectively choose UCITA. Iowa was the first state to realize the need for “defensive” legislation to protect its citizens and passed a “bomb-shelter” provision (with a sunset provision) in 2000.

Both **Iowa** houses have voted to make its “bomb-shelter” provision permanent and the governor is expected to sign the bill in April.

A **Massachusetts** “bomb-shelter” provision (HB1622) was introduced in December 2002 and a hearing is scheduled June 2.

Vermont’s “bomb-shelter” provision in HB 148 has passed the House and is pending in the Senate..

North Carolina and **West Virginia** enacted “bomb-shelter legislation in 2001.

UCITA state tally 2000-2003

Introductions: AZ, DE, DC, HI, IL, MD, ME, NH, NJ, NV, OK, OR, TX, VA, WA, VI

Considered but not pursued: FL, GA, LA, RI

Enactments: MD, VA

“Bomb-shelter” introductions: IA, MA, NC, ND, NY, OH, VT, WV

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